

CITY OF HENDERSON – RECORD BOOK

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

A meeting of the Board of Commissioners of the City of Henderson, Kentucky, was held on Tuesday, March 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.

There were present Mayor Pro Tem Austin P. Vowels presiding:

PRESENT:

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

ABSENT:

Mayor Bradley S. Staton

ALSO PRESENT:

Mr. William L. “Buzzy” Newman, Jr., City Manager
Mrs. Dawn S. 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
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. Jeremy Conrad, Police Major
Mr. Nick Mangarella, Assistant Fire Chief
Ms. Dawn Winn, Assistant Finance Director
Mr. Steve Davis, Codes Administrator
Mr. Dylan Ward, Project Manager
Mr. Doug Boom, Engineer
Mr. Josh Dixon, Fire Division Chief
Mrs. Donna Madden, Administrative Secretary
Mr. Travis Owens, Assistant IT Director
Mr. David Wright, IT Network Administrator II
Mr. Bart Boles, Henderson Water Utility General Manager
Mr. Kevin Roberts, HWU Director of Plant Operations
Mr. Tony Hatton, Department of Environmental Protection Commissioner
Mr. Seyed Shokouhzadeh, Evansville MPO Executive Director
Ms. Pamela S. Drach, Evansville MPO Deputy Director
Ms. Missy Vanderpool, Henderson Economic Development Executive Director
Mr. Dwight Williams
Mr. Jamie Conrad
Ms. Erin Schmidt, WSON
Mr. Marty Wilson, Police Officer

MAYOR PRO TEM VOWELS led the recitation of the Pledge of Allegiance to our American Flag.

PRESENTATION: “Overview and Update Relating to PFAS Issues”

TONY HATTON, Department of Environmental Protection Commissioner, gave a brief overview of the Department of Environmental Protection which entails five divisions – Air Quality; Waste Management; Water; Enforcement; and Environmental Program Support. Mr. Hatton explained that there is an increasing amount of scrutiny of PFAS and PFOA, ‘forever chemicals.’ These chemicals are in a lot of consumer products including pots and pans; makeup;

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food containers; drinking water bottles; and many more items. None of these consumer products are regulated by the Department of Environmental Protection. These chemicals are found just about everywhere at some level, and it will be a huge, long-term effort to clean up – they will never be completely eliminated. This issue is a long time in the making and will be a long time in finding solutions. In 2019 a survey was conducted of all Kentucky drinking water sourced from the Ohio River, all had some level of PFAS. Some significantly more than the then recommendation of 70 parts per trillion. In 2020, 36 of 40 surface water samples tested have some level of PFAS; and all fish samplings across the state have some level of PFAS.

Commissioner Hatton reported that the levels of PFAS and PFOA found in the Ohio River at Henderson are not from Community Drive, but from the hundreds of thousands of acres of Ohio River watershed that feed into the river across the ‘rustbelt’ of the country. He further reported that Shamrock has now completed the Characterization phase and will be moving into the Corrective Action phase with some interim steps to continue their processes to reduce emissions. This is a complex and expensive issue and will not be fixed overnight. The federal government has yet to set an actual limit, with a current recommendation of 70 parts per trillion. It is difficult to set out a plan of action without real limits-proposed limits are set at 4 parts per trillion.

KEVIN ROBERTS, Henderson Water Utility Director of Plant Operations, reported that HWU has been testing for PFAS for approximately ten years and has been treating raw water with powdered active charcoal to bring down the levels in our finished drinking water. HWU continues to test raw water twice per month and of the last 42 samples, only five have exceeded the 4 parts per trillion with the highest at 7.8 parts per trillion. Of the last 42 drinking water samples, none tested more than the targeted 4 parts per trillion. HWU continues to look for other long-term options to install fixed carbon treatment beds; however, there are lots of questions on the processes for replacement and refiring of the carbon for those beds.

MAYOR PRO TEM VOWELS reiterated that Shamrock has had no effect on the drinking water that Henderson Water Utility provides. Mr. Roberts indicated that our intake is upstream from that location and would have no effect on our drinking water.

PRESENTATION: “Status of Henderson Remaining In the Evansville Metropolitan Planning Organization”

SEYED SHOKOUHZADEH, Evansville Metropolitan Planning Organization Executive Director, and PAMELA S. DRACH, Evansville Metropolitan Planning Organization Deputy Director, reported on the status of Henderson remaining a member of the EMPO. Ms. Drach explained that the 2020 Census data caused the boundaries to be redrawn for the Evansville/Henderson Urban area. The new boundary indicates two urban areas instead of the one due to a change in counting areas of the flood plain. She indicated that this is a fluid situation and that talks continue to determine if the two are combined how federal funding support for the Henderson Area Rapid Transit which amounts to approximately \$1.8 million per year for roadways and the transit system will be affected.

MAYOR PRO TEM VOWELS indicated that several Board members will be attending meetings in Washington DC and will make sure this is on that agenda.

APPEARANCE OF CITIZENS:

JAMIE CONRAD, Henderson resident, came before the Board to report that he has an ongoing issue with a HART bus driver, so the Mass Transit Superintendent posted a notice to all drivers not to engage in conversation with Mr. Conrad. He would like that notice taken down, and also for the driver’s to be instructed not to get upset with him when they give needed extra assistance and he is on the late afternoon runs.

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APPROVAL OF CONSENT AGENDA:

MAYOR PRO TEM VOWELS asked the City Clerk to read the Consent Agenda.

Minutes: February 28, 2023, Regular Meeting
 February 28, 2023, Called Work Session

Resolutions: Res. 20-23: Resolution Authorizing Submittal of Grant Application to the U.S. Department of Homeland Security, Federal Emergency Management Agency Under the Fire Prevention and Safety Program, in an Amount Up To \$143,000.00 With a 5% Match for the Fire Department; Accepting Grant if Awarded; and Authorizing the Mayor to Sign All Necessary Documents

MOTION by Commissioner Pruitt, 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 ----- Absent:	

WHEREUPON, Mayor Pro Tem Vowels declared the consent agenda items approved.

/s/ Austin P. Vowels
Austin P. Vowels, Mayor Pro Tem
March 14, 2023

ATTEST:
Maree Collins, CKMC, City Clerk _____

ORDINANCE NO. 02-23: FIRST READ

ORDINANCE AMENDING APPENDIX A – ZONING RELATING TO MODEL HOMES

ORDINANCE AMENDING ARTICLE II-DEFINITIONS SEC. 2.01-DEFINITIONS, AND ARTICLE XI-R-1, SINGLE FAMILY RESIDENTIAL DISTRICT, SEC. 11.02, PERMITTED USES, OF APPENDIX A – ZONING OF THE CODE OF ORDINANCES OF THE CITY OF HENDERSON TO DEFINE AND PERMIT MODEL HOMES IN CERTAIN RESIDENTIAL ZONING DISTRICTS

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

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

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

WHEREUPON, Mayor Pro Tem Vowels 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. 03-23: FIRST READ

ORDINANCE AMENDING FISCAL YEAR 2023 BUDGET AND APPROPRIATION ORDINANCE

AN ORDINANCE AMENDING BUDGET AND APPROPRIATION ORDINANCE FOR THE FISCAL YEAR COMMENCING JULY 1, 2022 AND ENDING JUNE 30, 2023 FOR THE CITY OF HENDERSON, KENTUCKY

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

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

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

WHEREUPON, Mayor Pro Tem Vowels 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:

JEREMY CONRAD, Police Major, gave a brief overview of the current Henderson Police Department vehicle Take Home Policy and detailed reasons in support of proposed changes to the policy. Currently the Policy allows certain personnel take home vehicles for Henderson and surrounding Kentucky counties. The proposed change would allow a 40-mile radius to include Indiana. There are currently nine personnel that live in Indiana an average of 13 miles from HPD that would qualify under the policy. This change will allow the department to stay competitive with other departments and might increase interest in lateral officer recruitment.

WILLIAM L. “BUZZY” NEWMAN, JR., City Manager, indicated that this was an internal Police Department Policy, however he would like consensus of the Board before approving this new take home policy. All members present indicated that a compelling case had been presented and were in agreement with the change.

CITY ATTORNEY’S REPORT:

DAWN KELSEY, City Attorney, reported on the City’s fourth mass foreclosure process. The deadline for paying property taxes on the properties included in the case is Friday, March 17th. After that date we will move forward with filing and anticipate they will go to the Master Commissioner in late May or June.

COMMISSIONER’S REPORTS:

MAYOR PRO TEM VOWELS reported that the Mayor asked that he remind everyone of the special called joint City/Fiscal Court meeting scheduled for Tuesday, March 21st at 10:00 a.m. for discussion of budget requests from joint funded quasi-governmental agencies. Further, due to the cancellation of the March 28th regular Board meeting, there is need to conduct a called City meeting March 21st at 3:00 p.m. for regular business with a called work session to immediately follow, for discussion of the sports complex.

EXECUTIVE SESSION: “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)(c) for the purpose of discussions relating to proposed litigation against the City of Henderson.

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

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

WHEREUPON, Mayor Pro Tem Vowels 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 Vowels --- Aye: Commissioner Pruitt - Aye:
 Commissioner Thomas --- Aye: Commissioner Whitt - Aye:
 Mayor Staton ----- Absent:

WHEREUPON, Mayor Pro Tem Vowels 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 Vowels --- Aye: Commissioner Pruitt - Aye:
 Commissioner Thomas --- Aye: Commissioner Whitt - Aye:
 Mayor Staton ----- Absent:

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

ATTEST:

Bradley S. Staton, Mayor
 March 21, 2023

Maree Collins, CKMC
 City Clerk