

CITY OF HENDERSON – RECORD BOOK

Record of Minutes of A Special Called Meeting on March 21, 2023

A special called meeting of the Board of Commissioners of the City of Henderson, Kentucky, was held on Tuesday, March 21, 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 Bradley S. Staton presiding:

PRESENT:

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

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. Sean McKinney, Police Chief
 Mr. Trace Stevens, Parks, Recreation & Cemeteries Director
 Ms. Jordan Webb, Emergency Communications Director
 Mr. Dylan Ward, Project Manager
 Mrs. Donna Madden, Administrative Secretary
 Mr. Travis Owens, Assistant IT Director
 Mr. Bill Raleigh, IT Support Specialist
 Mr. Dwight Williams
 News 14 Camera Crew
 Mr. Marty Wilson, Police Officer

MAYOR STATON led the recitation of the Pledge of Allegiance to our American Flag.

APPROVAL OF CONSENT AGENDA:

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

Minutes: March 14, 2023, Regular Meeting

Municipal Orders:

M.O. 11-23: Municipal Order Awarding Bid for Purchase of Concrete Labor for Various City Projects to River Town Construction, LLC of Newburgh, Indiana, in the Amount of \$392,325.00

M.O. 12-23: Municipal Order Awarding Bid for Asphalt Pavement Milling Services to Charbon Contracting, LLC of Madisonville, Kentucky, in the Amount of \$118,000.00

M.O. 13-23: Municipal Order Awarding Bid for Purchase of Limestone Rock, Sand, and Recycled Concrete for Group A to Hazex Construction Company, Inc. of Henderson, Kentucky, Mulzer Crushed Stone, Inc. of Tell City, Indiana, and Pine Bluff Materials Company, LLC of Nashville, Tennessee

CITY OF HENDERSON – RECORD BOOK

Record of Minutes of A Special Called Meeting on March 21, 2023

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

WHEREUPON, Mayor Staton declared the consent agenda items approved.

/s/ Bradley S. Staton
Bradley S. Staton, Mayor
March 21, 2023

ATTEST:
Maree Collins, CKMC, City Clerk

ORDINANCE NO. 02-23: SECOND 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 ----- 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
March 21, 2023

ATTEST:
Maree Collins, CKMC, City Clerk

ORDINANCE NO. 03-23: SECOND 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

MOTION by Commissioner Pruitt, seconded by Commissioner Vowels, 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 ----- Aye:

CITY OF HENDERSON – RECORD BOOK

Record of Minutes of A Special Called Meeting on March 21, 2023

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
March 21, 2023

ATTEST:
Maree Collins, CKMC, City Clerk_____

ORDINANCE NO. 04-23: FIRST READ
ORDINANCE AMENDING CHAPTER 21- TAXATION
ORDINANCE AMENDING CHAPTER 21-TAXATION, ARTICLE VII-TRANSIENT
ROOM TAX, SEC. 21-112-COLLECTION; FILING OF RETURNS; PENALTY OF THE CODE
OF ORDINANCES OF THE CITY OF HENDERSON

MOTION by Commissioner Thomas, seconded by Commissioner Vowels, 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 ----- 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. 14-22:
MUNICIPAL ORDER AWARDING BID FOR CONSTRUCTION OF BARRET
BOULEVARD EXTENSION TO RAGLE INC. OF NEWBURGH, INDIANA, IN THE
AMOUNT OF \$969,398.50

MOTION by Commissioner Vowels, seconded by Commissioner Thomas, to award the bid for the construction of the Barret Boulevard Extension Project to Ragle Inc. of Newburgh, Indiana in the amount of \$969,398.50, in strict accordance with its bid as submitted pursuant to Bid Reference #23-09.

WILLIAM L. ‘BUZZY’ NEWMAN, JR., City Manager, reported that four bids were received with the low bid declared non-responsive due to the omission of required paperwork relating to one of the amendments. Award is recommended to the low bidder meeting all specifications and requirements.

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

Commissioner Vowels --- Aye: Commissioner Pruitt - Aye:
Commissioner Thomas --- Aye: Commissioner Whitt - 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
March 21, 2023

ATTEST:
Maree Collins, CKMC, City Clerk_____

CITY OF HENDERSON – RECORD BOOK

Record of Minutes of A Special Called Meeting on March 21, 2023

MUNICIPAL ORDER NO. 15-22:

MUNICIPAL ORDER APPROVING CHANGE ORDER REQUEST #5 TO THE CONSTRUCTION AGREEMENT WITH ARC CONSTRUCTION CO. INC. OF EVANSVILLE, INDIANANA, FOR CONSTRUCTION OF THE HENDERSON SPORTS COMPLEX ON AIRLINE ROAD IN AN AMOUNT NOT TO EXCEED \$500,000.00

WILLIAM L. ‘BUZZY’ NEWMAN, JR., City Manager, reported that Henderson Water Utility’s drainage engineer retired during the time the original sports complex plans were reviewed. Subsequently, an adjoining property owner requested a meeting to confirm the plan would not allow more water to flow onto his property. Upon review, it is the opinion of the new HWU drainage engineer that the project needs a revised grading plan, larger piping and a concrete lining for one of the spillways to better address the drainage issues for the complex as well as adjacent properties.

DYLAN WARD, Project Manager, indicated that these changes are ‘value added’ and that the final design plan is not complete at this time, but will be within the \$500,000.00 amount. This new drainage plan will handle any future phases of the complex.

MOTION by Commissioner Thomas, seconded by Commissioner Pruitt, to approve Change Order Request #5 to the construction Agreement with Arc Construction for construction of the Henderson Sports Complex on Airline Road in an amount not to exceed \$500,000.00. The requested changes are due to a revised drainage plan for the complex and include grading plan revisions, storm sewer pipes and structure upsizing/upgrading and constructing the primary spillway with concrete liner in order to provide appropriate drainage throughout the site. The final revised plan is not complete resulting in the undetermined dollar amount at this time.

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

Commissioner Vowels --- Aye: Commissioner Pruitt - Aye:
Commissioner Thomas --- Aye: Commissioner Whitt - 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
March 21, 2023

ATTEST:
Maree Collins, CKMC, City Clerk _____

CITY MANAGER’S REPORT:

WILLIAM L. “BUZZY” NEWMAN, JR., City Manager, indicated he has met with staff and is ready to move forward with the selection of a new Fire Chief. The Committee will include one elected official and requested that a Commissioner be appointed to the Committee.

MAYOR STATON indicated that he was sure that every member present would like to serve, however he would like to nominate Commissioner Thomas to the Committee.

MOTION by Commissioner Pruitt, seconded by Commissioner Whitt to appoint Commissioner Rodney Thomas to serve on the Committee for selection of a new Fire Chief.

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

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

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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 deliberation relating to proposed litigation against the City of Henderson.

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

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

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

MEETING RECONVENED:

MOTION by Commissioner Thomas, seconded by Commissioner Vowels, 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 ----- Aye:	

WHEREUPON, Mayor Staton reconvened the Board into regular session.

MEETING ADJOURN:

MOTION by Commissioner Thomas, seconded by Commissioner Whitt, 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 ----- Aye:	

WITHOUT OBJECTION, Mayor Staton declared the Meeting adjourned at approximately 3:40 p.m.

ATTEST:

Bradley S. Staton, Mayor
April 11, 2023

Maree Collins, CKMC
City Clerk