

City of Henderson, Kentucky
Board of Commissioners
Tuesday, August 13, 2019

Municipal Center
Third Floor Assembly Room
222 First Street
5:30 P.M

AGENDA

1. Invocation: Father Larry McBride, Holy Name of Jesus Catholic Church
2. Roll Call:
3. Recognition of Visitors:
4. Appearance of Citizens:
5. Proclamations:
6. Presentations: Service Award Pin, Kelley VanBussum 20 Years

Service Award Pin, Janna Gatten 20 Years

Desire Smith, Cross Country Track Group Possible Use for
Municipal Golf Course

Tom Williams and Dylan Ward, Countryview Subdivision Update
7. Public Hearings:
8. Consent Agenda:
 - Minutes: June 11, 2019, Regular Meeting
 - Municipal Orders: Municipal Order Accepting Stormwater Management System
Maintenance Agreement at 2429 U.S. Highway 60 East,
Lighthouse Storage of Henderson, LLC
 - Resolutions: Resolution Increasing Salary of City Manager
9. Ordinances and Resolutions:
 - Second Readings: Ordinance Amending Chapter 23, *Utilities*, Sec. 23-143, *911 Fee*
(TABLED)
 - Ordinance Review: Chapter 23 Utilities- HWU

Please mute or turn off all cell phones for the duration of this meeting.

First Readings: Ordinance Amending Chapter 23, *Utilities*- HWU
Ordinance Amending Chapter 23, *Utilities*, Sec. 23-143, *911 Fee*
Ordinance Providing for the Levy and Collection of Ad Valorem Taxes

Resolutions: Resolution Accepting New Interlocal Cooperation Agreement for the Establishment of a Joint Henderson City-County Human Rights Commission

10. Municipal Orders:

11. Bids & Contracts: Municipal Order Authorizing the Award of Bid for Heavy Equipment Rental
Municipal Order Authorizing the Award of Bid for the Elam Ditch Overflow Project

12. Unfinished Business:

13. City Manager's Report:

14. Commissioner's Reports:

15. Appointments:

16. Executive Session:

17. Miscellaneous: Ordinance Review Chapter 16, Article V *Regulation of Fireworks*

18. Adjournment

City Commission Memorandum
19-173

August 8, 2019

TO: Mayor Steve Austin and the Board of Commissioners

FROM: William L. "Buzzy" Newman, Jr., City Manager *WLN*

SUBJECT: Presentations

Items scheduled under the Presentations section of the agenda are as follows:

- Employee Service Award. Utility Billing Supervisor, Kelley VanBussum of the Finance Department will be in attendance to receive her 20-year service award pin.
- Employee Service Award. Police Officer, Janna Gatten of the Police Department will be in attendance to receive her 20-year service award pin.
- Ms. Desire Smith will be present to discuss the Cross Country Track Group and possible uses for Municipal Golf Course.
- Mr. Tom Williams, HWU General Manager, and Dylan Ward, Project Manager, will provide an update on the Countryview Subdivision project.

City Commission Memorandum
19-174

August 8, 2019

TO: Mayor Steve Austin and the Board of Commissioners

FROM: William L. "Buzzy" Newman, Jr., City Manager

WBN

SUBJECT: Consent Agenda

The Consent Agenda for the meeting of August 13, 2019, contains the following:

Minutes: June 11, 2019, Regular Meeting

Municipal Orders: Municipal Order Accepting Stormwater Management System Maintenance Agreement at 2429 U.S. Highway 60 East Between Lighthouse Storage of Henderson, LLC, Henderson Water Utility, and the City of Henderson; and Giving the Mayor Authority to Execute the Agreement

Resolutions: Resolution Increasing Salary of City Manager by One Percent (1%) Effective July 1, 2019

CITY OF HENDERSON – RECORD BOOK

Record of Minutes of A Regular Meeting on June 11, 2019

A meeting of the Board of Commissioners of the City of Henderson, Kentucky, was held on Tuesday, June 11, 2019, at 5:30 p.m., prevailing time, in the third floor Assembly Room located in the Municipal Center Building at 222 First Street, Henderson, Kentucky.

INVOCATION was given by Reverend Charles Cameron, Grace Point Baptist Church, followed by Miss Ava leading recitation of the Pledge of Allegiance to our American Flag.

There were present Mayor Steve Austin presiding:

PRESENT:

Commissioner Patti Bugg
Commissioner X R. Royster, III
Commissioner Bradley S. Staton
Commissioner Austin P. Vowels

ALSO PRESENT:

Mr. William L. "Buzzy" Newman, Jr., City Manager
Ms. Dawn Kelsey, City Attorney
Ms. Maree Collins, City Clerk
Mrs. Donna Stinnett, Community Relations Manager/Public Information Officer
Mr. Scott Foreman, Fire Chief
Mrs. Donna Veazey, HFD Secretary
Mr. Randall Jenkins, Fire Lieutenant, and Family
Mr. Shane Onstott, Firefighter/Arson Investigator, and Family
Mr. Heath Cox, Police Chief
Mr. Mike Shockley, 9-1-1 Communications Supervisor
Mr. Trace Stevens, Parks, Recreation & Cemeteries Director
Mr. Ray Nix, Code Administrator
Ms. Tammy Willett-Speaks, Community Development Specialist
Mrs. Connie Galloway, Human Resources Director
Mr. Dylan Ward, Project Manager
Mr. Tom Williams, Henderson Water Utility General Manager
Mr. Peter Barbee
Ms. Pat McKinney
Ms. Joan Hoffman
Ms. Jane Brown
Mr. Jim Guess
Ms. Jean Jenkins
Ms. Nikki Christopher
Ms. Jayme Fruit
Mr. Michael Puckett, Human Rights Commission
Ms. Ellie Coursey
Ms. Mary Frances Kahn
Ms. Phyllis Ward
Miss Ava
Reverend Charles Cameron, Grace Point Baptist Church
Mr. Doug White, *the Gleaner*
Eyewitness News & Local 7 News
Mr. Mike Richardson, Reserve Police Officer

PROCLAMATION: "World Changers Week"

MAYOR AUSTIN explained that this group of approximately 175 youth volunteers comes into our community and spends a week helping neighbors with exterior work to homes by installing windows, doors, siding, roofing, decks, wheelchair ramps, and painting in all sorts of weather. He thanked the World Changer volunteers and their sponsors on behalf of the City

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Commission and the entire community for their support and participation in making such a positive change in our community.

TAMMY WILLETT-SPEAKS, Community Development Specialist, thanked the Commission for their support and invited everyone to the opening ceremony on Monday.

PRESENTATION: “20-Year Service Award”

MAYOR AUSTIN expressed appreciation to Firefighter/Arson Investigator Shane Onstott for his 20 years of service and dedication to the City of Henderson.

PRESENTATION: “45-Year Service Award”

MAYOR AUSTIN expressed appreciation to Lieutenant Randall Jenkins, Fire department, for his 45 years of service and dedication to the City of Henderson.

RANDALL JENKINS, Fire Lieutenant, indicated that it has been a long interesting ride to see the department evolve over the years and he is proud to say he works with a great bunch of guys.

APPROVAL OF CONSENT AGENDA:

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

Minutes: May 21, 2019, Called Work Session

Resolutions: 38-19: Resolution Accepting Proposal Between the Kentucky Transportation Cabinet, Department of Highways and the City of Henderson for the Watson Lane Reconstruction Project

39-19: Resolution Approving Change of Alleyway Connecting Letcher Street to Shelby Street from Two-way Traffic to One-way Traffic in a Southeasterly Direction

Orders: 31-19: Municipal Order Amending Municipal Order 29-19 Authorizing Emergency Purchase of a 2018 Seagrave Pumper Truck for the Fire Department from Fire & Safety Equipment of Shepherdsville, Kentucky in the Total Amount of \$556,448.00

32-19: Municipal Order Authorizing Deed of Easement Between Henderson Water and Sewer Commission of the City of Henderson D/B/A Henderson Water Utility (HWU) a Division of the City of Henderson and Custom Resins, Inc., and Authorizing Mayor to Execute Deed of Easement on Behalf of the City of Henderson

33-19: Municipal Order Awarding Bid for Mowing Along Canoe Creek to E.R. Trucking, Inc. of Hartford, Kentucky

34-19: Municipal Order Accepting First Amendment to Government Entity Tower License Agreement with Crown Castle South, LLC, the City of Henderson and the Henderson Fiscal Court to Allow Ice Shields to be Installed on the Equipment at the Kentucky Sugar Tree 801192 Site

CITY OF HENDERSON – RECORD BOOK

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35-19: Municipal Order Awarding Bid for Purchase and Installation of a New Fence at the Henderson Police Department to Fence Pros, LLC of Corydon, Kentucky in the Amount of \$26,498.00, Plus an Additional \$300.00 for Ten (10) Key-fob Remotes

Motion by Commissioner Royster, 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 Bugg ---- Aye:
Commissioner Royster -- Aye:
Commissioner Staton ---- Aye:
Mayor Austin ----- Aye:

WHEREUPON, Mayor Austin declared the consent agenda items approved.

/s/ Steve Austin
Steve Austin, Mayor
June 11, 2019

ATTEST:

Maree Collins, CKMC, City Clerk _____

ORDINANCE NO. 11-19: SECOND READ

BUDGET AND APPROPRIATION ORDINANCE FOR THE FISCAL YEAR COMMENCING JULY 1, 2019 AND ENDING JUNE 30, 2020 FOR THE CITY OF HENDERSON, KENTUCKY

MOTION by Commissioner Staton, seconded by Commissioner Bugg, that the ordinance be adopted.

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

Commissioner Vowels --- Aye:
Commissioner Bugg ---- Aye:
Commissioner Royster -- Aye:
Commissioner Staton ---- Aye:
Mayor Austin ----- Aye:

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

/s/ Steve Austin
Steve Austin, Mayor
June 11, 2019

ATTEST:

Maree Collins, CKMC, City Clerk _____

ORDINANCE NO. 12-19: SECOND READ

AN ORDINANCE AMENDING BUDGET AND APPROPRIATION ORDINANCE FOR THE FISCAL YEAR COMMENCING JULY 1, 2018 AND ENDING JUNE 30, 2019 FOR THE CITY OF HENDERSON, KENTUCKY

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

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

Commissioner Vowels --- Aye:
Commissioner Bugg ---- Aye:

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Commissioner Royster -- Aye:
Commissioner Staton ---- Aye:
Mayor Austin ----- Aye:

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

/s/ Steve Austin
Steve Austin, Mayor
June 11, 2019

ATTEST:
Maree Collins, CKMC, City Clerk _____

ORDINANCE NO. 13-19: SECOND READ
ORDINANCE AMENDING ORDINANCE 13-82 ESTABLISHING CHARGE FOR
CHECKS RETURNED FOR NON-PAYMENT

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

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

Commissioner Vowels --- Aye:
Commissioner Bugg ---- Aye:
Commissioner Royster -- Aye:
Commissioner Staton ---- Aye:
Mayor Austin ----- Aye:

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

/s/ Steve Austin
Steve Austin, Mayor
June 11, 2019

ATTEST:
Maree Collins, CKMC, City Clerk _____

ORDINANCE NO. 14-19: FIRST READ
ORDINANCE AMENDING CHAPTER 10-CIVIL RIGHTS
AN ORDINANCE AMENDING CHAPTER 10 OF THE CODE OF ORDINANCES TO
PROHIBIT DISCRIMINATORY PRACTICES ON THE BASIS OF GENDER IDENTITY
AND SEXUAL ORIENTATION IN EMPLOYMENT, HOUSING, AND PUBLIC
ACCOMMODATIONS

MOTION by Commissioner Staton, seconded by Commissioner Royster, that the ordinance be adopted.

DISCUSSION WAS HELD, with six of the eleven speakers in favor of the ordinance; four of the six in favor of the ordinance were opposed to the added reference or inclusion of the Kentucky Religious Freedom Restoration Act, which takes precedence even if not included in the ordinance; Commissioner Staton addressed the misconception that the Human Rights Commission could already hear this type of discrimination in housing and employment and that policy at a local level may be made more restrictive but not less restrictive than the state level; and City Attorney Dawn Kelsey explained that there is a current pending Supreme Court case that will be heard in October relating to the interpretation of whether or not the word sex includes gender and sexual orientation.

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

Commissioner Vowels --- Aye:
Commissioner Bugg ---- Nay:
Commissioner Royster -- Aye:
Commissioner Staton ---- Aye:

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Mayor Austin ----- Nay:

WHEREUPON, Mayor Austin 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. 15-19: FIRST READ

ORDINANCE AMENDING EMPLOYEE MANUAL

ORDINANCE AMENDING SECTION 1, *EMPLOYMENT*, ARTICLE 18, *EQUAL OPPORTUNITY EMPLOYMENT* AND TO AMEND SECTION 3, *WORK RULES*, ARTICLE 312, *GRIEVANCE PROCEDURE FOR COMPLAINTS RELATING TO SUSPECTED OR ALLEGED DISCRIMINATION ON THE BASIS OF RACE, COLOR, CREED, SEX, AGE, DISABILITY, OR NATIONAL ORIGIN* OF THE CITY OF HENDERSON EMPLOYEE MANUAL

DAWN KELSEY, City Attorney, explained that a portion of this amendment includes procedures for complaints relating to suspected or alleged discrimination based on the previous ordinance and a portion relates to new Kentucky law that will take effect June 27th relating to protections against pregnancy and childbirth discrimination.

MOTION by Commissioner Staton, seconded by Commissioner Royster, that the ordinance be adopted.

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

Commissioner Vowels --- Aye:
Commissioner Bugg ---- Aye:
Commissioner Royster -- Aye:
Commissioner Staton ---- Aye:
Mayor Austin ----- Aye:

WHEREUPON, Mayor Austin 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. 16-19: FIRST READ

ORDINANCE AMENDING PAY PLAN

ORDINANCE APPROVING AMENDMENT TO PAY PLAN PROVIDING FOR ONE PERCENT (1%) INCREASE FOR EMPLOYEES EFFECTIVE JULY 1, 2019

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

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

Commissioner Vowels --- Aye:
Commissioner Bugg ---- Aye:
Commissioner Royster -- Aye:
Commissioner Staton ---- Aye:
Mayor Austin ----- Aye:

WHEREUPON, Mayor Austin 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. 17-19: FIRST READ

ORDINANCE ADOPTING HENDERSON WATER UTILITY BUDGET
BUDGET AND APPROPRIATION ORDINANCE FOR THE FISCAL YEAR
COMMENCING JULY 1, 2019 AND ENDING JUNE 30, 2020 FOR HENDERSON WATER
UTILITY OF THE CITY OF HENDERSON, KENTUCKY

MOTION by Commissioner Staton, seconded by Commissioner Bugg, that the ordinance be adopted.

TOM WILLIAMS, Henderson Water Utility General Manager, reported that even with the July 1st increase in fixed rates this is an austere budget that is expected to only be a breakeven year.

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

Commissioner Vowels --- Aye:
Commissioner Bugg ---- Aye:
Commissioner Royster -- Aye:
Commissioner Staton ---- Aye:
Mayor Austin ----- Aye:

WHEREUPON, Mayor Austin 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. 18-19: FIRST READ

ORDINANCE AMENDING CHAPTER 2-ADMINISTRATION

AN ORDINANCE AMENDING CHAPTER 2, *ADMINISTRATION*, ARTICLE VII,
PURCHASING, SALES AND CONTRACTS, SEC. 2-299, *SMALL PURCHASE*
PROCEDURES OF THE CODE OF ORDINANCES OF THE CITY OF HENDERSON

DAWN KELSEY, City Attorney, reported that state legislature recently amended the model procurement small purchase standard from \$20,000.00 to \$30,000.00 and this ordinance will reflect a similar change allowing for the amount set by the state standard without stating a specific dollar amount.

MOTION by Commissioner Bugg, seconded by Commissioner Staton, that the ordinance be adopted.

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

Commissioner Vowels --- Aye:
Commissioner Bugg ---- Aye:
Commissioner Royster -- Aye:
Commissioner Staton ---- Aye:
Mayor Austin ----- Aye:

WHEREUPON, Mayor Austin 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.

RESOLUTION NO. 41-19

RESOLUTION AUTHORIZING QUITCLAIM DEED BETWEEN THE CITY OF
HENDERSON AND HENDERSON COUNTY SCHOOL DISTRICT FINANCE
CORPORATION, AND AUTHORIZING MAYOR TO EXECUTE QUITCLAIM DEED ON
BEHALF OF THE CITY OF HENDERSON

WILLIAM L. "BUZZY" NEWMAN, JR., City Manager, reported that the Henderson School System is preparing to embark on the construction of a new Jefferson School replacement

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project and must own the property that improvements are built on in order to include them in the overall project. The City is deeding over existing right-of-way to the school system so they can proceed with the project.

DAWN KELSEY, City Attorney, explained that the City will retain the utility easements as well as the curb, gutter and sidewalk maintenance easements on the Consolidation Plat.

MOTION by Commissioner Staton, seconded by Commissioner Royster, to approve authorizing execution of a Quitclaim deed between the City and Henderson County School District Finance Corporation for City owned right-of-way located near the new Jefferson Elementary School Project for the purpose of construction of infrastructure improvements.

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

Commissioner Vowels --- Aye:
 Commissioner Bugg ---- Aye:
 Commissioner Royster -- Aye:
 Commissioner Staton ---- Aye:
 Mayor Austin ----- Aye:

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

/s/ Steve Austin
 Steve Austin, Mayor
 June 11, 2019

ATTEST:

Maree Collins, CKMC, City Clerk _____

RESOLUTION NO. 40-19

RESOLUTION TO CONTINUE A REDUCED WAIVER BENEFIT FOR EMPLOYEES WHO ELECT TO WAIVE CITY HEALTH INSURANCE COVERAGE ON THEMSELVES OR THEIR SPOUSES WITH THE WAIVER BENEFIT EXPIRING ON DECEMBER 31, 2022

MOTION by Commissioner Royster, seconded by Commissioner Vowels, to approve the continuation of the Employee Waiver Benefit at a rate reduced by \$500.00 per year through 2022 when it will be zero.

CONNIE GALLOWAY, Human Resource Director, indicated that the spousal waiver benefit will be reduced by \$500.00 per year for the next three years until exhausted as detailed in the Executive Summary of this fiscal year budget.

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

Commissioner Vowels --- Aye:
 Commissioner Bugg ---- Aye:
 Commissioner Royster -- Aye:
 Commissioner Staton ---- Aye:
 Mayor Austin ----- Aye:

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

/s/ Steve Austin
 Steve Austin, Mayor
 June 11, 2019

ATTEST:

Maree Collins, CKMC, City Clerk _____

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MUNICIPAL ORDER NO. 36-19

MUNICIPAL ORDER AUTHORIZING AWARD OF SALE OF SURPLUS PROPERTY LOCATED AT 1228 HELM STREET TO PETER BARBEE; AND AUTHORIZING THE MAYOR TO EXECUTE DOCUMENTS NECESSARY TO COMPLETE SALE

PETER BARBEE, indicated that he was so very thankful for the opportunity to be able to have traveled across the United States only to find the perfect building so close to home. He reported that he is looking forward to turning the property into a multi-purpose creative space to invite in the next generation of musicians and photographers with space open to the public as well as residential space.

MAYOR AUSTIN thanked Mr. Barbee for choosing Henderson as his home and wished him success in this endeavor.

MOTION by Commissioner Staton, seconded by Commissioner Bugg, to approve award of the sale of surplus property located at 1228 Helm Street to Peter Barbee.

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

Commissioner Vowels --- Aye:
Commissioner Bugg ---- Aye:
Commissioner Royster -- Aye:
Commissioner Staton --- Aye:
Mayor Austin ----- Aye:

WHEREUPON, Mayor Austin declared the municipal order adopted, affixed his signature and the date thereto, and ordered that the same be recorded.

/s/ Steve Austin
Steve Austin, Mayor
June 11, 2019

ATTEST:

Maree Collins, CKMC, City Clerk _____

MUNICIPAL ORDER NO. 37-19

MUNICIPAL ORDER AWARDED BID FOR THE WATHEN LANE BRIDGE REPLACEMENT PROJECT TO HAZEX CONSTRUCTION COMPANY OF HENDERSON, KENTUCKY IN THE AMOUNT OF \$317,875.22

MOTION by Commissioner Staton, seconded by Commissioner Royster, to approve award of the bid for construction of the Wathen Lane Bridge Replacement Project to Hazex Construction Company of Henderson in the amount of \$317,875.22, in strict accordance with the bid as submitted pursuant to Bid Reference 19-10.

COMMISSIONER BUGG asked about the completion date of the bridge project and the time frame of the widening project?

WILLIAM L. "BUZZY" NEWMAN, JR., City Manager, reported that from the Notice to Proceed they have 120 days to complete the bridge project. He indicated that it is believed the road will only be closed for approximately two to three weeks, dependent on the weather, to tear out the bridge and put in the new one. Mr. Newman reported that the widening project is a different project with the Transportation Cabinet with design well under way on that project. He indicated that it is anticipated that right-of-way acquisition and utility relocation will be funded in the next Cabinet fiscal year budget; then around 2022 the Cabinet will fund construction for the widening project. He stated that the City will have a financial stake in each of these phases as they go forward.

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

Commissioner Vowels --- Aye:
 Commissioner Bugg ---- Aye:
 Commissioner Royster -- Aye:
 Commissioner Staton ---- Aye:
 Mayor Austin ----- Aye:

WHEREUPON, Mayor Austin declared the municipal order adopted, affixed his signature and the date thereto, and ordered that the same be recorded.

/s/ Steve Austin
 Steve Austin, Mayor
 June 11, 2019

ATTEST:

Maree Collins, CKMC, City Clerk _____

MISCELLANEOUS: Ordinance Review – Article I, *In General*, of Chapter 17 *Parks and Recreation*, Section 17-2 *Possession of alcoholic beverages prohibited*

DAWN KELSEY, City Attorney, gave a brief overview of the proposed changes to Chapter 17 *Parks and Recreation*. Proposed changes include: Article I, Sec. 17-2 *Possession of alcoholic beverages prohibited* – to include the Henderson Depot, the Doc Hosbach Tennis Complex and the following streets: Water Street between the intersection of Second Street to south of the alley (north of 212 Water Street) that runs between Main Street and Water Street; First Street from the Sally port in the 100 block to Elm Street; Second Street between Water Street and Elm Street; and Main Street between Third Street and Washington Street; wherein a valid special event with alcohol permit has been issued and the person possessing alcoholic beverage(s) is in compliance with the special event with alcohol permit requirements. Other suggested changes – limit the event to one or two contiguous blocks; and institute a permit fee for either all special events or special events with alcohol.

Staff was instructed to proceed with writing an ordinance for the suggested areas to be included and setting the event limit of two contiguous blocks and to research and report on the findings of the permitting fees for a possible future amendment.

CITY MANAGER'S REPORT:

WILLIAM L. "BUZZY" NEWMAN, JR., City Manager, indicated that a letter from the Department of Local Government was included in the packets which speaks to the 2.9% maximum allowable salary increase for elected officials of legislative bodies. In anticipation a resolution to increase elected officials' salaries has been prepared and included in the packets for review and discussion.

DISCUSSION WAS HELD regarding the message that would be sent if the Board of Commissioners took a salary increase while decreasing the number of positions and cutting budget line items. There was a unanimous consensus that the Commission would not entertain the resolution for salary increase this fiscal year.

CITY MANAGER'S REPORT:

WILLIAM L. "BUZZY" NEWMAN, JR., City Manager, indicated that he anticipates having Mr. Dylan Ward, Project Manager, give an update on the Bridges of Henderson Golf Course at the next regularly scheduled meeting.

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COMMISSIONER'S REPORT:

COMMISSIONER ROYSTER invited everyone to join the festivities at the 29th annual W. C. Handy festival beginning tomorrow and running through Saturday evening at Audubon Mill Park.

COMMISSIONER STATON requested that Police Chief Heath Cox give an update on the body cameras now that they have been in use for almost a year.

WILLIAM L. "BUZZY" NEWMAN, JR., City Manager, indicated that he and Chief Cox had been discussing a broader departmental overview presentation that would include the body camera systems that will be scheduled for an upcoming work session.

RE-APPOINTMENT: City-County Planning Commission:

Mr. Kevin Richard – Term to Expire June 01, 2023

Mr. Gray Hodge – Term to Expire June 01, 2023

Motion by Commissioner Royster, seconded by Commissioner Staton, upon recommendation of Mayor Steve Austin, to reappoint Mr. Kevin Richard and Mr. Gray Hodge to four year terms on the City-County Planning Commission. Said term to expire June 01, 2023.

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

Commissioner Vowels --- Aye:
Commissioner Bugg ---- Aye:
Commissioner Royster -- Aye:
Commissioner Staton ---- Aye:
Mayor Austin ----- Aye:

EXECUTIVE SESSION: Litigation, Real Property and Exempted Public Record

MOTION by Commissioner Bugg, seconded by Commissioner Staton, 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 by the City and pursuant to KRS 61.810(1)(B) for discussion of the sale of real property and pursuant to KRS 61.810(1)(M) for discussion of a specific public record exempt from disclosure under KRS 61.878(1)(M).

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

Commissioner Vowels --- Aye:
Commissioner Bugg ---- Aye:
Commissioner Royster -- Aye:
Commissioner Staton ---- Aye:
Mayor Austin ----- Aye:

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

MEETING RECONVENED:

MOTION by Commissioner Staton, seconded by Commissioner Bugg, the Board of Commissioners reconvened into regular session.

CITY OF HENDERSON – RECORD BOOK

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

Commissioner Vowels --- Aye:
Commissioner Bugg ---- Aye:
Commissioner Royster -- Aye:
Commissioner Staton --- Aye:
Mayor Austin ----- Aye:

WHEREUPON, Mayor Austin reconvened the Board into regular session.

MEETING ADJOURN:

MOTION by Commissioner Staton, seconded by Commissioner Bugg to adjourn the meeting.

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

Commissioner Vowels --- Aye:
Commissioner Bugg ---- Aye:
Commissioner Royster -- Aye:
Commissioner Staton --- Aye:
Mayor Austin ----- Aye:

WITHOUT OBJECTION, Mayor Austin declared the Meeting adjourned at approximately 7:35 p.m.

ATTEST:

Steve Austin, Mayor
August 13, 2019

Maree Collins, CKMC
City Clerk

City Commission Memorandum
19-175

August 8, 2019

TO: Mayor Steve Austin and the Board of Commissioners

FROM: William L. "Buzzy" Newman, Jr., City Manager *WJN*

SUBJECT: Stormwater Management System Maintenance Agreement –
2429 U.S. Highway 60 East

The accompanying municipal order accepts a Stormwater Management System Maintenance Agreement at 2429 U.S. Highway 2429 Highway 60 East between Lighthouse Storage of Henderson, Henderson Water Utility, and the City; and authorizes the Mayor to execute the Agreement.

Under the permit for the operation of the Municipal Separate Storm Sewer System (MS4), HWU is required to regulate stormwater runoff from new development and redevelopment. Lighthouse Storage of Henderson has purchased the property at 2429 U.S Highway 60 East which is being developed as a large storage facility. As part of their stormwater treatment system, they are installing a stormwater detention basin near the north end of their property, including interior stormwater infrastructure and perimeter swales, and outflow structures from the basin.

Perpetual maintenance of these improvements is a requirement of the MS4 permit and is codified in Chapter 23 of the City's Code of Ordinances. This Agreement provides for the perpetual maintenance of certain permanent components of the private Stormwater Management System. The requirements of the Agreement run with the property and are binding upon the current owner, their heirs, executors, successors, and assigns.


The Henderson Water & Sewer Commission, at its meeting on July 15, 2019, approved the Agreement.

Your approval of the attached municipal order is requested.

c: Tom Williams

Date: 16 July 2019

Memo To: Mayor Steve Austin
Henderson City Commissioners

From: Tom Williams, P.E. 
HWU General Manager

Subject: Stormwater Maintenance

Under our permit for the operation of the Municipal Separate Storm Sewer System (MS4), we are required to regulate stormwater runoff from new development and redevelopment. Lighthouse Storage has purchased the property at 2429 U.S. Highway 60 East and is developing a large storage facility. For their stormwater treatment system, they are installing a stormwater detention basin near the north end of their property, including interior stormwater infrastructure and perimeter swales, and outflow structures from the basin.

The Henderson City-County Planning Commission approved these improvements at its meeting on 2 April 2019.

Perpetual maintenance of this improvement is a requirement of the MS4 permit and is codified in the City Code of Ordinances at Chapter 23-27.5 (i). To ensure this, the attached agreement between Lighthouse Storage of Henderson, LLC, and the City must be recorded as a legally binding and searchable document.

We request that the Commission process an order approving the agreement and authorizing the Mayor to sign on the City's behalf. We will then have the document recorded. The Water and Sewer Commission approved this action in its meeting on 15 July.

If you have any questions or need further information on this or any other subject, please feel free to call me at 270.826.2421 (Office) or 270.823.2573 (Cell).

Cc: Wm. L. "Buzzy" Newman, City Manager
Eric Shappell, HWU Attorney
Dawn Kelsey, City Attorney
Brian Bishop, HCCPC Executive Director

**HENDERSON WATER AND SEWER COMMISSION
RESOLUTION OF THE BOARD OF COMMISSIONERS**

Resolution No. 2019 - 23
Acceptance of Stormwater Management System
Maintenance Agreement – 2429 U.S. Highway 60 East

The following Resolution was duly adopted by the Board of Commissioners of the Henderson Water & Sewer Commission at a regular meeting held on Monday, 15 July 2019, at which meeting a quorum was present.

BE IT RESOLVED, that the Henderson Water and Sewer Commission by and through its Board of Commissioners under the authority granted to the Board of Commissioners under Chapter 23 Article II Division 3 Sections 23-36 through 23-45.2 of the City Code of Ordinances hereby recommends to the Board of Commissioners of the City of Henderson, Kentucky, that the City of Henderson accept the attached Stormwater Management System Maintenance Agreement herewith transmitted to the City, as required by City Code of Ordinances section 23-27.5 (i), and as recommended by the staff of the Water and Sewer Commission, and that the Mayor and City Clerk be authorized to sign on the City's behalf.

This Agreement provides for perpetual maintenance of certain Permanent Components of a private Stormwater Management System for property currently owned by Lighthouse Storage of Henderson LLC, PVA ID # 65-44, located at 2429 U.S. Highway 60 East. The requirements of the Agreement run with the property and are binding upon the current owner and their heirs, executors, successors, and assigns.

The General Manager is hereby authorized to deliver this Resolution to the City of Henderson.

IN WITNESS WHEREOF, having come before the Board of Commissioners on Monday, 15
July 2019, and upon Motion made by Commissioner _____, and seconded by
Commissioner _____, the Board of Commissioners voted as follows:

	<u>AYE</u>	<u>NAY</u>
Commissioner, Paul Bird, Jr.	_____	_____
Commissioner, George Jones, III	_____	_____
Commissioner, John Henderson	_____	_____
Commissioner, Gary Jennings	_____	_____
Commissioner, Julie Wischer	_____	_____



Tom Williams, P.E.
General Manager
Henderson Water Utility

MUNICIPAL ORDER. _____

MUNICIPAL ORDER ACCEPTING STORMWATER MANAGEMENT
SYSTEM MAINTENANCE AGREEMENT AT 2429 U.S. HIGHWAY
60 EAST BETWEEN LIGHTHOUSE STORAGE OF HENDERSON,LLC,
HENDERSON WATER UTILITY, AND THE CITY OF HENDERSON; AND
GIVING THE MAYOR AUTHORITY TO EXECUTE THE AGREEMENT.

WHEREAS, under the City's Sewer Use Ordinance Chapter 23 Article II, Division 2, Sections 23 through 27.5 of the City's Code of Ordinances, the Owner is responsible for the maintenance and repair of the storm water management system on its property in perpetuity; and

WHEREAS, the Agreement provides for perpetual maintenance of certain Permanent Components of the private Stormwater management system for the property currently owned by Lighthouse Storage of Henderson, LLC, 1440 10th Street, Tell City, IN 47586 at PVA ID #65-44; the requirements of the Agreement run with the property and are binding upon the current owner and their heirs, executors, successors, and assigns; and

WHEREAS, at the July 15, 2019 meeting the Water and Sewer Commission accepted the attached Stormwater Management System Maintenance Agreement for the stormwater management system currently owned by Lighthouse Storage of Henderson, LLC through HWU Resolution 2019-23 and recommended that the City of Henderson accept this agreement.

NOW, THEREFORE, BE IT ORDERED, by the City of Henderson, Kentucky, that Stormwater Management System Maintenance Agreement for 2429 U.S. Highway 60 East (PVA ID #65*44) is accepted and the Mayor is authorized and directed to execute the agreement on behalf of the City.

On motion of Commissioner _____, seconded by Commissioner _____, that the foregoing Municipal Order be adopted, the vote was called. On roll call the vote stood:

Commissioner Bugg: _____
Commissioner Royster: _____
Commissioner Staton: _____

Commissioner Vowels: _____
Mayor Austin: _____

**INTRODUCED, PUBLICLY READ AND FINALLY APPROVED ON ONE
READING** and Mayor Austin, affixed his signature and the date thereto and ordered that the same be recorded.

ATTEST:

Steve Austin, Mayor

Date: _____

Maree Collins, CKMC, City Clerk

APPROVED AS TO FORM AND
LEGALITY THIS 4 DAY OF
AUGUST, 2019.

By:

A handwritten signature in cursive script, appearing to read "Dawn S. Kelsey", written over a horizontal line.

Dawn S. Kelsey
City Attorney

STORM WATER MANAGEMENT SYSTEM MAINTENANCE AGREEMENT

THIS AGREEMENT ("Agreement") entered into this 24th day of June, 2019 by and between Lighthouse Storage of Henderson (the "Owner"), whose address is 1440 10th Street, Tell City, IN 47586 and HENDERSON WATER UTILITY, 111 Fifth Street, Henderson, Kentucky, 42420; CITY OF HENDERSON, 222 First Street, Henderson, Kentucky, 42420 (the "City"), collectively, the "Parties".

Site Legal Description. The Property subject to this agreement is legally described as follows:

66-44, DB 637, Page 569 City of Henderson, Henderson County, Kentucky,
[PVA Parcel No., DB & Pg.]
located at 2429 US Highway 60 E, Henderson, KY 42420.
[Street Address]

1. Permanent Components of the Storm Water Management System

Pursuant to the City's Sewer Use Ordinance (Sec. 23-27.5(i)) and this agreement, the Owner is responsible for satisfying the provisions of this agreement throughout the Property for maintaining the storm water management system in perpetuity.

The storm water management system for the property consists of the following described management practices or components (attach exhibit if more space is needed): Storm water detention basin near the north end of the project site, including all outflow structures and all perimeter swales as approved by the Henderson City-County Planning Commission on April 2, 2019.

2. Inspection and Maintenance Schedule

All components of the storm water management system shall be inspected by the Responsible Party at least annually; and within 72 hours following any major storm or flood event of sufficient intensity or duration to pose significant risk of damage to the system.

3. Right of Inspection

The Henderson Water Utility and the City of Henderson have the right to enter the Property to inspect the storm water management system at its discretion.

4. Binding Agreement

All provisions of this Agreement, including the benefits and burdens hereunder, run with the property and are binding upon and inure to the benefit of the parties hereto and their heirs, executors, successors and assigns.

5. Amendment; Termination

This Agreement may be amended or terminated by a document signed by the Owner and the City.

6. Requirement to Record

This Agreement and any subsequent amendments thereto shall be recorded at the Henderson County Court Clerk's office.

7. Assignment

Owner's obligations may not be assigned to another party without the prior written consent of City except that such consent is not required when Owner transfers fee simple title to a buyer who will assume the maintenance responsibilities of the Owner.

8. Indemnity

Each Party agrees to indemnify and hold the other, its officers, agents and employees harmless from liability resulting from the negligent acts or omissions pertaining to the activities to be carried out pursuant to the obligations of this Agreement; provided, however, that neither Party shall not hold the other harmless from claims arising out of the negligence or willful malfeasance of the other, its officers, agents, or employees, or any person or entity not subject to the other's supervision or control.

9. Severability

If any court or competent authority finds that any provision of this agreement (or part of any provision) is invalid, illegal or unenforceable, that provision or part-provision shall, to the extent required, be deemed to be deleted, and the validity and enforceability of the other provisions of this agreement shall not be affected.

FOR THE HENDERSON WATER UTILITY

IN WITNESS WHEREOF, the parties have executed this Agreement as of the date first written above.

FOR THE OWNER:

By: Lauren Hartz

Name: Lauren Hartz

Title: Owner

Date: 6/24/19

STATE OF INDIANA)
) ss.
COUNTY OF Perry)

The foregoing instrument was signed, sworn to, and acknowledged before me, a Notary Public, by Lauren R. Hartz known to me to be the person who executed the foregoing, this the 24th day of June, 2019.



Carol Hagedorn
Carol Hagedorn
Notary Public, State of Indiana

License #: NP0624046

My Commission Expires: 2/20/2027

By: R. Paul Bird
Name: R. Paul Bird, Jr.
Title: Board Chairman
Date: 6-15-2019

By: _____

Name: _____

Title: _____

Date: _____

The foregoing instrument was signed, sworn to, and acknowledged before me, a Notary Public, by _____, known to me to be the _____ of the City of Henderson, Kentucky, a municipal corporation, this the _____ day of _____, 20__.

[illegible]

Patricia A. Brown
Notary Public, Commonwealth of Kentucky
My Commission Expires: 02-04-22

THIS INSTRUMENT WAS PREPARED BY:

City Commission Memorandum
19-176

August 8, 2019

TO: Mayor Steve Austin and the Board of Commissioners

FROM: William L. "Buzzy" Newman, Jr., City Manager

WLN

SUBJECT: City Manager Salary

The accompanying resolution approves the salary increase of the City Manager, William L. "Buzzy" Newman, Jr.

Pursuant to the terms of his Employment Agreement dated April 10, 2018, the Board of Commissioners has conducted an annual performance evaluation and has approved a 1.0% salary increase effective retroactively to July 1, 2019.

Your approval of the attached resolution is requested.

c: Connie Galloway

RESOLUTION NO. _____

RESOLUTION INCREASING SALARY OF CITY MANAGER
BY ONE PERCENT (1%) EFFECTIVE JULY 1, 2019

WHEREAS, by the terms of the Employment Agreement dated April 10, 2018, whereby the City of Henderson employed William L. "Buzzy" Newman, Jr. as City Manager, it is provided that the City shall conduct an annual performance evaluation for the purpose of determining whether to increase the compensation paid to Mr. Newman; and

WHEREAS, the Board of Commissioners of the City has conducted such an evaluation and has concluded that Mr. Newman's job performance warrants the granting to him of a one percent (1%) salary increase.

NOW, THEREFORE, BE IT RESOLVED by the City of Henderson, Kentucky, that the salary to be paid William L. "Buzzy" Newman for his services as City Manager shall be increased to \$133,623.00 effective as of July 1, 2019.

On motion of Commissioner _____, seconded by Commissioner _____, that the foregoing Resolution be adopted, the vote was called. On roll call the vote stood:

Commissioner Bugg: _____
Commissioner Royster: _____
Commissioner Staton: _____

Commissioner Vowels: _____
Mayor Austin: _____

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

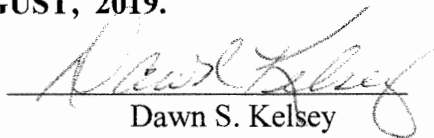
Steve Austin, Mayor
Date: _____

ATTEST:

Maree Collins, CKMC,
City Clerk

**APPROVED AS TO FORM AND
LEGALITY THIS 8 DAY OF
AUGUST, 2019.**

By: _____


Dawn S. Kelsey
City Attorney

City Commission Memorandum
19-177

August 8, 2019

TO: Mayor Steve Austin and the Board of Commissioners

FROM: William L. "Buzzy" Newman, Jr., City Manager *WLN*

SUBJECT: TABLED-911 Fees

Second reading of an ordinance relating to 911 fees will be heard at the Board of Commissioners meeting on July 9, 2019.

The attached ordinance amends Chapter 23, *Utilities*, Article VII, *Telephone Service*, Division 2, *911 Emergency Telephone Service*, Sec. 23-143, "911" Fee. The proposed changes remove the "911" fee from collection of a charge on "land line" phones in both the City of Henderson and Henderson County, instead placing this charge through a service fee on water meters.

With technology advancements and the decreasing use of "land line" phones, the current financial system for support of the 911 emergency communications unfairly places the burden of supporting the system on a disproportionately small segment of the citizens of the City. The General Assembly, by KRS 65.760 (3), permits local governments to fund 911 emergency telephone services by imposition of service fees and it is believed that placing this fee on water meters distributes the burden more equitably by requiring more persons to support the system.

The proposed ordinance will establish, impose and implement a monthly service fee on active water meters that will be calculated at \$4.00 per month per active residential and commercial water meter and the charge shall be deemed as part of the water bill.

Your approval of the attached ordinance is requested.

c: Robert Gunter
Susan Bryant
Dawn Kelsey

**ORDINANCE AMENDING CHAPTER 23, UTILITIES,
ARTICLE VII. TELEPHONE SERVICE, DIVISION 2.
911 EMERGENCY TELEPHONE SERVICE, SEC. 23-
143 – “911” FEE ORDINANCES**

WHEREAS, the operation of a 911 or emergency communications system is one of the most critical of all public services, indispensable and necessary for the safety of the citizens of the City of Henderson and ensuring prompt responses to emergencies, and

WHEREAS, the City of Henderson, pursuant to KRS 65.760 , by interlocal governmental agreement with Henderson County Fiscal Court, created 911 Communications, a public safety answering point with both entity being obligated to fund the cost of operation pursuant to Ordinance 23-141, and

WHEREAS, there currently is a system for financial support based upon a charge on “land line” phones in both the City of Henderson and Henderson County, Kentucky, collected by a telephone utility and distributed directly into the account Emergency Communication 911 Fund, an account solely for the administration and operation of that 911.

WHEREAS, technology advancements have resulted in the current financial system for support of 911 emergency communications unfairly placing the burden of supporting the system on a disproportionately small segment of the citizens of City of Henderson, Kentucky, and

WHEREAS, Kentucky Revised Statute (KRS) 65.760 (3) is a specific provision wherein the General Assembly expressly permits local governments to fund 911 emergency telephone services by the imposition of service fees, more particularly: “The funds required ... to establish

PUBLICATION DATE:

FIRST READ: 6/25/2019
SECOND READ:

and operate 911 emergency telephone service ... may be obtained through the levy of any ... fee not in conflict with the Constitution and Statutes of this state,” and

WHEREAS, the City of Henderson believes that distributing the burden among the citizens through a service fee on water meters is more equitable; that it bears a reasonable relationship to the benefit received, and requires more persons to support the system than a “land line” phone fee.

WHEREAS, Henderson Water and Sewer Utility is the sole water distributions systems in the City of Henderson providing essential water service to the citizens of the City of Henderson.

WHEREAS, The City of Henderson and the Henderson Water Utility are willing to perform this public service.

NOW, THEREFORE, BE IT HEREBY ORDAINED as follows:

Sec. 23-143. - "911" fee.

- ~~[(a) There is hereby established a "911" fee of one dollar fifty cents (\$1.50) per month for each exchange telephone subscriber and such fee shall increase automatically by the sum of twenty five cents (\$0.25) on March 1 of each year for four (4) consecutive years beginning on March 1, 2008, which is levied as a special tax, license, and/or fee to be paid by each exchange telephone subscriber in Henderson County E911 service area, TAR code 851, on an individual exchange line basis limited to a maximum of twenty five (25) exchange lines per account.~~
- ~~(b) Pursuant to an existing agreement, the local exchange telephone company shall collect the "911" fee from the subscriber and remit said fee to the city according to its terms and state law.]~~
- (a) There is established, imposed and implemented a monthly service fee on active water meters provided to occupied households and businesses in the City of Henderson, Kentucky, calculated at \$4.00 per month per active residential and commercial water meters and the charge shall be deemed as part of the water bill.
- (b) An active water meter is defined as any water meter that is producing revenue.

IT IS FURTHER ORDAINED that this Ordinance shall take effect January 1, 2020.

IT IS FURTHER ORDAINED that this Ordinance shall take effect and be in full force when passed, published and recorded according to law. Any ordinance, resolutions, or executive orders in conflict with any section of this ordinance are hereby repealed or rescinded.

All ordinances or parts of ordinances in conflict herewith are hereby repealed and superseded to the extent of such conflict.

This ordinance shall become effective upon its legal adoption.

On first reading of the foregoing ordinance, it was moved by Commissioner Staton, seconded by Commissioner Bugg, that the ordinance be adopted on its first reading.

On roll call the vote stood:

Commissioner Vowels:	<u>AYE</u>	Commissioner Staton:	<u>AYE</u>
Commissioner Bugg:	<u>AYE</u>	Mayor Austin:	<u>AYE</u>
Commissioner Royster:	<u>AYE</u>		

WHEREUPON, Mayor Austin declared the ordinance adopted on first reading and ordered that it be presented for a second reading at a meeting of the Board of Commissioners.

On second reading of the ordinance, it was moved by Commissioner _____, seconded by Commissioner _____, that the ordinance be adopted.

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

Commissioner Vowels:	_____	Commissioner Staton:	_____
Commissioner Bugg:	_____	Mayor Austin:	_____
Commissioner Royster:	_____		

WHEREUPON, Mayor Austin declared the ordinance adopted, affixed his signature and the date and ordered that it be recorded.

Steve Austin, Mayor

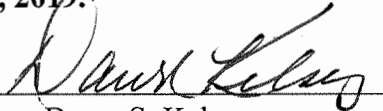
Date: _____

ATTEST:

Maree Collins, CKMC, City Clerk

**APPROVED AS TO FORM AND
LEGALITY THIS 18 DAY OF
JUNE, 2019.**

By:



Dawn S. Kelsey
City Attorney

City Commission Memorandum
19-178

August 8, 2019

TO: Mayor Steve Austin and the Board of Commissioners

FROM: William L. "Buzzy" Newman, Jr., City Manager 

SUBJECT: Ordinance Review

Mr. Tom Williams, HWU General Manager, will be in attendance to provide an ordinance review of Chapter 23, *Utilities*, Article II, *Water and Sewer Service*.

City Commission Memorandum
19-179

August 8, 2019

TO: Mayor Steve Austin and the Board of Commissioners

FROM: William L. "Buzzy" Newman, Jr., City Manager *WLN*

SUBJECT: Ordinance Amending Chapter 23, *Utilities*, Article II, *Water and Sewer Service*

An item for the agenda of Tuesday, August 13, 2019 is first reading of an ordinance amending Chapter 23, *Utilities*, Article II, *Water and Sewer Service*, Division 1, *Generally*, Section 23-16.1, Division 2, *Sewer Use Regulations*, Section 23-26, Section 23-30, and Section 23-32, of the Code of Ordinances.

As detailed in the attached memorandum from Henderson Water Utility General Manager Tom Williams, the proposed revisions to the City's Sewer Use Ordinance relate to changes in the sections that deal with Cross-Connection Control, the Industrial Pretreatment Program, Local Pollutant Discharge Limits and the methods used by HWU to establish surcharges for wastewater that exceeds certain standards.

The proposed changes are required to stay in compliance with federal and state regulations due to recent changes to the Kentucky Water Quality Standards and the Kentucky Division of Water Permits issued to our wastewater treatment.

Your approval of the attached ordinance is requested.

c: Tom Williams, HWU General Manager



Henderson Water Utility

WATER • WASTEWATER • STORMWATER

☎ 270.826.2421

💻 www.hkywater.org

📍 111 Fifth Street
Henderson, KY 42420

Date: 16 July 2019

Memo To: Mayor Steve Austin
City Board of Commissioners

From: Tom Williams, P.E.
General Manager

Subject: Chapter 23 City Code of Ordinances
Industrial User Cost Recovery and the Pretreatment Program

Attached you will find proposed revisions to the City's Sewer Use Ordinance (SUO), detailing changes to the sections that deal with Cross-Connection Control, the Industrial Pretreatment Program, and the methods we use to establish surcharges for wastewater that exceeds certain standards, along with changes to our Local Limits, which concern discharges from industrial users.

Cross-Connection and Backflow Prevention

The cross-connection sections are relatively straight-forward, and mimic sections of the Kentucky Plumbing Code. Cross-connection and backflow prevention are two areas of risk in our water distribution system that we have not consistently addressed in the past. We are preparing to step up enforcement in these areas to mitigate these risks and further insure the safety of our potable water delivered to homes and businesses.

Industrial Cost Recovery - Chemical Oxygen Demand Surcharge – Code Chapter 23-32

The pretreatment section deals with a highly technical topic, and the following is a brief, and I hope, clear, explanation of the need for change in this section.

We measure the strength of wastewater in several ways, using laboratory tests related to the different constituent parts of the waste. **Biochemical Oxygen Demand (BOD)** is the test that measures the amount of oxygen needed to break down organic material in a water sample, at a specified temperature over a specific time of 5 days. When we say "organic material" we are talking about virtually any plant, animal, object or compound that contains carbon. A pristine river might have a BOD₅ below 1 mg/l (part per million, or ppm). The Ohio River is considered polluted, with a BOD₅ of 5 ppm. The influent to the North Wastewater Treatment Plant averages 200 ppm, and our treated wastewater typically runs below 2 ppm when we discharge back to the Ohio and Green Rivers.



Total Suspended Solids (TSS) and **Chemical Oxygen Demand (COD)** are two other standards that we use to measure wastewater strength. TSS is just what it sounds like, the solid material suspended in the flow. It can be an organic compound, or a grain of sand. COD is very similar to BOD, but where BOD measures the amount of oxygen consumed by the biological matter in a sample, COD measures that, plus the amount of oxygen consumed by chemicals in the water, too. We use a very strong testing agent that completely oxidizes all organic compounds in the COD samples.

We require industries to pretreat their wastewater to remove all these constituents (BOD, COD & TSS) to levels below which the wastewater treatment plant can handle the waste loads and allow us to meet our permit limits for discharge to the rivers. In the sewer use ordinance, these levels are set at 400 ppm for BOD and TSS, and 800 ppm for COD. The reason for a higher COD limit is that some of the chemicals in the wastewater will escape in the air, or be “volatilized”, so more COD load can be handled by the process than BOD loading. Also, the BOD is a part of the COD.

When an industrial discharge exceeds the 400/800 ppm limits, our ordinance specifies a surcharge, based on the pounds of loading that’s above the limit. This is computed based on flow and average loading on a monthly basis. In a typical year, these charges to industries in both our North and South service areas total approximately \$ 200,000. While not a large amount of revenue (and not something we count on to balance the books), this does act as an incentive for industry to meet the pretreatment standards. Under the regulations we’re required to enforce, our response to violations is proportional and cumulative, like speeding tickets. We can’t and don’t allow an industry to continually exceed the discharge standards and in effect push their treatment burden off to our other customers.

Our charges for BOD, TSS, and Oil & Grease, another measurement of wastewater strength, have been set at 26 cents per pound of loading for several years. These levels were set to approximate the additional costs associated with treatment of higher strength waste. As a reference, Owensboro and Paducah wastewater agencies have surcharges in the 22 to 24 cent range (note, both city’s concentration limits are lower than ours at 265 to 350 ppm).

Solvents and/or cleaning solutions, in high concentrations, cause problems at our wastewater plants. These types of chemicals would not include a biochemical component, and thus would not be detected in a BOD sample. Their use causes difficulties that raise the costs of treatment, but the current system does not assess any fees, surcharges or penalties for their use. This is partly because BOD and COD are linked. Some of the organic material measured by the COD test is actually biological (BOD), and there could be an issue with double-charging, by having a straight fee attached to COD on top of a charge for BOD.

A method exists to avoid this problem by subtracting out the BOD loading from the COD test results and instituting a surcharge that’s based on the higher of the two factors. Our COD standard of 800 ppm would thus account for a BOD level of up to 400 ppm, plus 400 ppm of chemical loading that is subject to dissipation in the air during the treatment process, before the COD charge would kick in. Other cities in Kentucky have instituted this change or are preparing to.

Looking at the proposed ordinance revisions attached, you'll see the two formulae for surcharge calculation which are identical save for the BOD and COD portion of the calculations. Future surcharge amounts would be ruled by the formula giving the higher amount.

All of these changes are included in the attached mark-up of Section 23-32 of the Code of Ordinances.

Local Limits – Code Chapter 23-30

Local Limits are the allowable concentrations of heavy metals in an industrial user's discharge. We are responsible for setting these limits at levels that protect our treatment facilities against pass-through and interference, and that safeguard water quality, worker health and safety (at the plants) and the possible beneficial use of our sludge. There are separate tables associated with these limits for the North and South wastewater systems.

Setting Local Limits is a complicated process, which we are required to renew every four years. In general terms, we set limits on arsenic, cadmium, total chromium, chromium (VI), chromium (III), copper, lead, mercury, molybdenum, nickel, selenium, silver, and zinc, and on any contaminants listed in our State Water Quality Standards. After sampling in our system, a technically-based calculation is performed, and the allowable loadings of pollutants are allocated to industries. We advertise these limits, and also consult with the industries in our pretreatment program, prior to finalizing the Local Limits. That process is now complete, and we are ready to make the new Local Limits official.

To be clear, this is not something that we instigated. Changes to the KPDES permits issued to our wastewater treatment plants by the Division of Water, and recent changes to the Kentucky water quality standards require that the discharge limits established in our Sewer Use Ordinance be revised to continue in compliance with federal and state regulations.

We received HWU Board approval of these changes at the July Meeting on the 15th and would like to get them on the agenda for City Commission approval when we can. I believe the best strategy would be to explain them as part of an "Ordinance Review" of Chapter 23, then we could have two readings of the changes at subsequent meetings.

In the meantime, if you have any questions or need further information on this subject, please feel free to call me at 270.869.6621 (Office) or 270.823.2573 (Cell).

Cc: Wm. L. (Buzzy) Newman, Jr., City Manager
Dawn S. Kelsey, City Attorney

ORDINANCE NO. _____

ORDINANCE AMENDING SEWER USE ORDINANCE

SUMMARY: AN ORDINANCE AMENDING ARTICLE II, *WATER AND SEWER SERVICE*, OF CHAPTER 23, *UTILITIES*, DIVISION 1, *GENERALLY*, SEC. 23-16.1, DIVISION 2, *SEWER USE REGULATIONS*, SEC. 23-26, SEC. 23-30, AND SEC. 23-32 OF THE CODE OF ORDINANCES OF THE CITY OF HENDERSON

WHEREAS, at its meeting on July 15, 2019, the Henderson Water and Sewer Commission recommended by Resolution No. 2019-22, (attached hereto) that the Board of Commissioners of the City of Henderson enact and adopt an amended Article II, *Water and Sewer Service*, of Chapter 23, *Utilities*, Division 1, *Generally*, Sec. 23-16.1, *Cross connections prohibited; installation of backflow prevention devices for water services*, Division 2. *Sewer Use Regulations*, Sec. 23-26, *General provisions; definitions*, Sec. 23-30 *Pollutant discharge limits*, and Sec. 23-32 *Fees*, of the City's Code of Ordinances, commonly referred to as the "sewer use ordinance" ; and

WHEREAS, the Henderson Water Utility (HWU) operates and maintains two water treatment and distribution, and wastewater collection and treatment systems, serving the City of Henderson, Henderson County, and other localities in the region; and

WHEREAS, the Safe Drinking Water Act, and other Federal and State laws and regulations have established regulatory standards that apply to all water users, which standards are enforced locally by HWU; and,

WHEREAS, the Henderson Water Utility is responsible for enforcement of plumbing code and drinking water regulations and standards in our water distribution system related to cross connection control and backflow prevention; and,

WHEREAS, the Clean Water Act, and other Federal and State laws and regulations have established national Pretreatment program standards that apply to all wastewater discharges from non-domestic sources, which standards are enforced locally by HWU; and,

WHEREAS, industries and other wastewater dischargers must meet effluent limitations for certain heavy metals, in order that the final process effluent and solids produced in the treatment processes will not cause exceedance of water quality standards or land application criteria for disposal of sludge; and

WHEREAS, new local limits for effluent discharges have been calculated for the Henderson North and South Wastewater Treatment Plants; and

WHEREAS, HWU wishes to enact a surcharge for Chemical Oxygen Demand (COD) discharges from industries and other wastewater dischargers, in order to better protect the publicly owned treatment works from upsets or damage; and

WHEREAS, the revised Article II, Chapter 23, incorporating changes to Cross-Connection and Backflow Preventer Inspections; adding a definition for Chemical Oxygen Demand (COD); modifying Pollution Discharge Limits (Local Limits); revising requirements for Floor Drains; modifying Industrial User Cost Recovery and Pretreatment Program Fees; and establishing the Method of Computing Surcharges, as well as minor semantic and grammatical changes as recommended by the staff of the Water and Sewer Commission is attached hereto and marked Exhibit "A".

NOW, THEREFORE, BE IT ORDAINED by the City of Henderson, Kentucky that the existing Article II, *Water and Sewer Service*, Sec. 23-16.1, Sec. 23-26, Sec. 23-30 and Sec. 23-32 of Chapter 23, *Utilities* of the City's Code of Ordinances be and is hereby amended, and the revised Article II, *Water and Sewer Service* of Chapter 23, *Utilities*, is hereby approved and adopted a copy of which is attached hereto as Exhibit "A".

All ordinances or parts of ordinances in conflict herewith are hereby repealed and superseded to the extent of such conflict.

This ordinance shall become effective upon its legal adoption.

On first reading of the foregoing ordinance, it was moved by Commissioner _____, seconded by Commissioner _____, that the ordinance be adopted on its first reading.

On roll call the vote stood:

Commissioner Bugg: _____
Commissioner Royster: _____
Commissioner Staton: _____

Commissioner Vowels: _____
Mayor Austin: _____

WHEREUPON, Mayor Austin declared the ordinance adopted on first reading and ordered that it be presented for a second reading at a meeting of the Board of Commissioners.

On second reading of the ordinance, it was moved by Commissioner _____, seconded by Commissioner _____, that the ordinance be adopted.

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

Commissioner Bugg: _____
Commissioner Royster: _____
Commissioner Staton: _____

Commissioner Vowels: _____
Mayor Austin: _____

WHEREUPON, Mayor Austin declared the ordinance adopted, affixed his signature and the date and ordered that it be recorded.

Steve Austin, Mayor

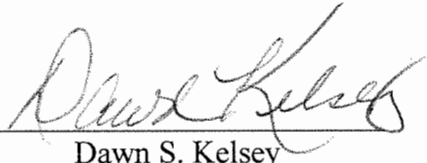
Date: _____

ATTEST:

Maree Collins, CKMC, City Clerk

**APPROVED AS TO FORM AND
LEGALITY THIS 8 DAY OF
AUGUST, 2019.**

By: _____



Dawn S. Kelsey
City Attorney

**HENDERSON WATER AND SEWER COMMISSION
RESOLUTION OF THE BOARD OF COMMISSIONERS**

Resolution No. 2019 – 22
Recommending Changes to Chapter 23 of
The City of Henderson Code of Ordinances

The following Resolution was duly adopted by the Water & Sewer Commission of the City of Henderson at a regular meeting held on Monday, 15 July 2019, at which meeting a quorum was present.

WHEREAS, the Henderson Water Utility (HWU) operates and maintains two water treatment and distribution, and wastewater collection and treatment systems, serving the City of Henderson, Henderson County, and other localities in the region; and

WHEREAS, the Safe Drinking Water Act, and other Federal and State laws and regulations have established regulatory standards that apply to all water users, which standards are enforced locally by HWU; and,

WHEREAS, the Henderson Water Utility is responsible for enforcement of plumbing code and drinking water regulations and standards in our water distribution system related to cross connection control and backflow prevention; and,

WHEREAS, the Clean Water Act, and other Federal and State laws and regulations have established national Pretreatment program standards that apply to all wastewater discharges from non-domestic sources, which standards are enforced locally by HWU; and,

WHEREAS, industries and other wastewater dischargers must meet effluent limitations for certain heavy metals, in order that the final process effluent and solids produced in the treatment processes will not cause exceedance of water quality standards or land application criteria for disposal of sludge; and

WHEREAS, new local limits for effluent discharges have been calculated for the Henderson North and South Wastewater Treatment Plants; and

WHEREAS, HWU wishes to enact a surcharge for Chemical Oxygen Demand (COD) discharges from industries and other wastewater dischargers, in order to better protect the publicly owned treatment works from upsets or damage; therefor

BE IT RESOLVED, that the Water and Sewer Commission of the City of Henderson, under the authority granted to the Board of Commissioners under Chapter 23 Article II Division 3 Sections 23-36 through 23-45.1 of the City Code of Ordinances hereby recommends to the Board of Commissioners of the City of Henderson, Kentucky, that the City of Henderson enact and adopt revisions to portions of Article II of Chapter 23 of the City Code of Ordinances, commonly referred to as the "Sewer Use Ordinance", incorporating changes to Cross-Connection and Backflow Preventer Inspections; adding a definition for Chemical Oxygen Demand (COD); modifying Pollution Discharge Limits (Local Limits); revising requirements for Floor Drains; modifying Industrial User Cost Recovery and Pretreatment Program Fees; and establishing the Method of Computing Surcharges, as well as minor semantic and grammatical changes as recommended by the staff of the Water and Sewer Commission, and herewith transmitted to the City by attachment to this resolution.

The General Manager is hereby authorized to deliver this Resolution to the City of Henderson, and to pursue the changes enumerated above as shown on the attached Code sections.

These changes will become effective upon the date of adoption by the Board of Commissioners of the City of Henderson, Kentucky.

IN WITNESS WHEREOF, having come before the Board of Commissioners on Monday, 15
July 2019, and upon Motion made by Commissioner _____, and seconded by
Commissioner _____, the Board of Commissioners voted as follows:

	<u>AYE</u>	<u>NAY</u>
Commissioner, Paul Bird	_____	_____
Commissioner, George Jones	_____	_____
Commissioner, John Henderson	_____	_____
Commissioner, Gary Jennings	_____	_____
Commissioner, Julie Wischer	_____	_____



Tom Williams, P.E.
General Manager
Henderson Water Utility

ARTICLE II. WATER AND SEWER SERVICE**DIVISION 1. GENERALLY****Sec. 23-16.1 Cross connections defined, prohibited; installation and inspection of backflow prevention devices for water services.**

(a) Cross-connection means a physical connection or arrangement between two (2) otherwise separate systems, one (1) of which contains potable water and the other being either water of unknown or questionable safety, or steam, gas or chemicals, whereby there may be flow from one (1) system to the other, the direction of flow depending on the pressure differential between the two (2) systems. (Defined in 401 KAR 8:010(14)).

(a)(b) Cross connections between the public water system and any actual or potential source of contamination are prohibited. The General Manager may at his discretion, and after official notice is made, order that public water service be shut off to any premises where a cross connection is found to exist or may potentially exist.

(b)(c) Protection against backflow and back siphonage shall be provided on any potable water opening, outlet, or connection serving a residential, commercial or industrial building or property, where required by [in conformance with] the Kentucky State Plumbing Code. Backflow and back siphonage devices shall be installed by the owner and shall be properly maintained, in accordance with HWU policy. For all fire suppression systems, and for all potable water services [larger than two inches (2")] where applicable, backflow and back siphonage devices shall be tested and inspected in conformance with the Kentucky State Plumbing Code. Test results shall be certified by a qualified individual, and shall be made available for inspection by the General Manager or his authorized representative.

(Ord. No. 06-11, 3-22-11)

DIVISION 2. SEWER USE REGULATIONS**Sec. 23-26. General provisions; definitions.**

Add the following definition to this section:

Chemical oxygen demand (COD). A measure of the oxygen equivalent of the organic matter content of a sample that is susceptible to oxidation by a strong chemical oxidant, usually reported as mg O₂/L.

(Ord. No. 06-11, 3-22-11; Ord. No. 33-12, 12-11-2012; Ord. No. 20-14, 6-24-14)

Sec. 23-30. Pollutant discharge limits.

(a) *General conditions.* The following described substances, materials, waters or wastes shall be limited in discharges to the Henderson sanitary sewer system to concentrations or quantities which: (i) will not harm either the sewers, wastewater treatment processes or equipment, (ii) will maintain and protect water quality in the receiving stream, and (iii) will not otherwise endanger lives, limb, public property, or constitute a nuisance. The General Manager or his designee may set additional limitations or limitations more stringent than those established in the provisions of this ordinance, if in his opinion more severe limitations are necessary to meet the above objectives. In forming his opinion as to the acceptability of a discharge, the General Manager or his designee shall give consideration to such factors as the quantity of subject waste in relation to flows and velocities in the sewers, materials of construction of the sewers, the wastewater treatment process employed, capacity of the wastewater treatment plant, and other pertinent factors.

(b) *Restricted discharges.*

(1) Wastewater containing more than fifty (50) milligrams per liter of petroleum oil, nonbiodegradable cutting oils, or products of mineral oil origin.

(2) Wastewater containing floatable oils, fat, or grease, whether emulsified or not, in excess of one hundred fifty (150) milligrams per liter (mg/l) or containing substances which may solidify or become viscous at temperatures between 32°--150°F (0°--65°C).

(3) Any garbage that has not been properly shredded. Garbage grinders may be connected to sanitary sewers from homes, motels, institutions, restaurants, hospitals, catering establishments, or similar places where garbage originates from the preparation of food in kitchens for the purpose of consumption on the premises or when served by caterers. Ground paper products such as cups, dishes, napkins, and milk containers shall not be discharged to the sewer system.

(4) Any wastewater containing toxic pollutants in sufficient quantity or quantities, either singly or by interaction with other pollutants which injure or interfere with any wastewater treatment processes, constitute a hazard to humans or animals, causes ~~the City~~ HWU to violate the terms of its KPDES permit, prevents the use of acceptable sludge disposal methods, or exceed a limitation set forth in a Categorical Pretreatment Standard.

(5) Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by ~~the City~~ HWU in compliance with applicable State or Federal regulations.

(6) Any water or wastes which by interaction with other water or wastes in the public sewer system, release noxious gases, form suspended solids which interfere with the collection system, or create a condition deleterious to structures and treatment processes.

City of Henderson, Kentucky

- (7) Any wastewater with objectionable color which cannot be removed to an acceptable level within the operation of the wastewater treatment process unless otherwise specifically noted in the Industrial User Permit (IUP).
- (8) Waters or wastes containing substances which are not amenable to treatment or reduction by the wastewater treatment processes employed to the extent required by ~~the City~~ HWU's NPDES/KPDES permit.
- (9) Any waste(s) or wastewater(s) classified as a hazardous waste by the Resource Conservation and Recovery Act (RCRA) without a sixty (60) day prior notification of such discharge to the General Manager. This notification must include the name of the hazardous waste, the EPA hazardous waste number, type of discharge, volume/mass of discharge and time of occurrence(s). The General Manager may prohibit or condition the discharge(s) at any time.
- (10) Any water or wastes which have characteristics based on a twenty-four-hour composite sample, grab or a shorter period composite sample, if more representative, that exceed the following normal maximum domestic wastewater parameter concentrations:

Table 1 Normal Maximum Domestic Wastewater Concentrations Henderson North & South POTW's City of Henderson, Kentucky	
Parameter	Maximum allowable concentration without surcharge fee assessment (mg/l)
BOD	400
COD	800 1,000
TSS	400
NH ₃ -N	50
Oil and grease (total)	150

Any person discharging wastewater exceeding the allowable concentrations as noted in Table 1, will be subject to a surcharge fee for each pound loading over and above the allowable concentration. Any other amenable constituents requiring the addition of specific chemicals for proper treatment will also be subject to surcharge as noted on the industrial user permit. Exceedance of the effluent limits specified in Table 1 shall not be deemed to constitute a violation of a permit condition or this ordinance if the appropriate surcharge fee is paid and the discharge does not cause interference or pass through to the POTW.

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(11) The discharge limitations as established in Tables 2 and 3 of this Ordinance are for characteristics of any wastewaters to be discharged into the municipal sewer system, to the North and South Wastewater Treatment Plants (POTW's), subject to any compliance schedule as must comply with these limitations where they are more stringent than applicable state and/or federal regulations. Based upon the sampling program at the Henderson wastewater treatment plants, the discharge limitations given in Tables 2 and 3 may be adjusted to reflect the POTW's needs. ~~The City~~HWU shall give public notice when any change results in a limitation less stringent than currently exists.

Table 2 Effluent Discharge Limitations Henderson North Wastewater Treatment Plant City of Henderson, Kentucky	
Parameter	Daily Maximum Discharge Limit (milligrams per liter)
Arsenic (As)	[0.34] <u>0.26</u>
Cadmium (Cd)	0.06
Chromium, total (Cr)	[-2.77] <u>1.71</u>
Hexavalent Chromium (Cr VI)	[0.53] <u>0.35</u>
Copper (Cu)	1.43
Cyanide, Amenable (Cn, Amen)	0.26
Lead (Pb)	0.24
Mercury (Hg)	0.01
Nickel (Ni)	1.64
Selenium (Se)	[0.14] <u>0.09</u>
Silver (Ag)	0.39
Zinc (Zn)	[1.60] <u>1.48</u>

City of Henderson, Kentucky

Table 3 Effluent Discharge Limitations Henderson South Wastewater Treatment Plant City of Henderson, Kentucky	
Parameter	Daily Maximum Discharge Limit (milligrams per liter)
Arsenic (As)	0.17
Cadmium (Cd)	0.11
Chromium, total (Cr)	[2.77] 1.71
Hexavalent Chromium (Cr VI)	[4.55] 0.35
Copper (Cu)	[2.03] 0.68
Cyanide, Amenable (Cn, Amen)	[0.65] 0.55
Lead (Pb)	0.69
Mercury (Hg)	0.004
Nickel (Ni)	[1.57] 1.45
Selenium (Se)	[0.38] 0.09
Silver (Ag)	0.24
Zinc (Zn)	1.48

(12) ~~[The City]~~HWU has received authority through the U.S. EPA and state statutes to enforce the requirements of 40 CFR Subchapter N and 40 CFR Part 403. All users shall comply with the requirements of these federal regulations.

(c) *Dilution of wastewater discharge.* No user shall ever increase the use of process water or in any way attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with the limitations contained in the federal categorical pretreatment standards, or in any pollutant specific limitation developed by HWU or the ~~[City or]~~State.

(d) *Grease, oil, and sand interceptors.*

(1) Grease, oil, and sand interceptors shall be installed when, in the opinion of the General Manager or his designee, they are deemed necessary for the proper handling of liquid wastes containing any type of floatable grease in excessive amounts, or any flammable wastes, sand, or other harmful ingredients; except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of type and capacity approved by the General Manager or his designee and shall be located as to be readily and easily accessible for inspection by HWU staff. Design of grease controls and interceptors shall be governed by policy documents promulgated and enforced by HWU.

(2) The design and capacity of the interceptor shall be the responsibility of the owner(s); however, the General Manager or his designee must approve the unit. The HWU collection system must be provided adequate protection from prohibited substances traveling through the sewer line(s).

(3) No user shall discharge to the POTW, any solid or viscous pollutants in amounts which could cause obstruction to the flow in the sewers, or cause interference with the operation of, or cause damage to the POTW, including grease or other materials which may coat or clog a sewer line or appurtenances.

(4) Users shall periodically examine their interceptors and update the interceptor if there is evidence of the unit being too small, worn, broken, or otherwise no longer functioning properly.

(5) ~~The City~~HWU may require the interceptor to be cleaned on a more frequent basis if there is evidence of problems occurring, such as due to grease build-up, occurring in the sewer line(s). ~~The City~~HWU may require reporting of such information for review on a regular basis.

(6) In the maintaining of an interceptor, the owner(s) shall be responsible for the proper removal and disposal by appropriate means of the captured material and shall maintain records of the dates, and means of disposal for a period of not less than three (3) years. ~~The City~~HWU reserves the right to recover any costs associated with cleanup in the collection system from the owner(s) of the interceptor due to failure of the unit for any reason.

(7) Any removal and hauling of the collected materials not performed by owner(s) personnel must be performed by currently licensed disposal firms. Interceptors shall also comply with the applicable regulations of any other local, State or Federal agency having jurisdiction.

(e) *Floor Drains.* Floor drains are prohibited unless the following conditions exist:

(1) If the business is an existing user and floor drains are already present in the facility, every precaution and safeguard will be expected from the facility to protect the POTW from slugs, spills, negligence, etc. This includes all users, not just those participating in the HWU Pretreatment Program. The General Manager or his designee may inspect the floor drains at any time. The General Manager or his designee may request that the drains be sealed in cases where there is a potential harm to the POTW.

(2) Permission from the General Manager or his designee must be granted before floor drains may be installed on new construction or renovation projects. Floor drains that connect to any part of the municipal separate storm sewer system (MS4) or to any creek, watercourse, stream, or ditch are prohibited.

(3) If floor drains are allowed by the General Manager or his designee, an interceptor must accompany them to provide protection to the POTW from petroleum-based products and flammable liquid wastes. The design and capacity of the interceptor shall be the responsibility of the owner. Refer to Sec. 23-30 – Pollutant discharge limits, Paragraph ~~[B]~~b, Restricted discharges (all sub-paragraphs).

(4) Regular maintenance and cleaning shall be performed on interceptor units to the satisfaction of the General Manager or his designee. More frequent cleaning of the interceptor may be required by the General Manager or his designee if deemed necessary.

(5) The owner of property containing floor drains is responsible for cleaning and maintenance of those drains. Any costs that ~~[the]~~HWU may incur due to failure on the part of the owner to ~~[keep-up]~~perform cleaning and maintenance shall be reimbursed by the owner.

(f) *Special industrial pretreatment requirements.*

(1) Pursuant to the requirements imposed on publicly owned wastewater treatment works by the Federal Water Pollution Control Act Amendments of 1972 and later amendments, all pretreatment standards promulgated by the U.S. Environmental Protection Agency for new and existing industrial dischargers to public sewer systems are hereby made a part of this ordinance. Any industrial waste discharge which violates these EPA Pretreatment Standards shall be in violation of this ordinance.

(2) Where pretreatment or flow equalizing facilities are provided or required for any waters or wastes, the industry shall be solely responsible for the continued maintenance in satisfactory and effective operation of such facilities and at their expense. ~~[The City]~~HWU is authorized to assume these responsibilities, in which event some or all of the provisions of subsection 23-30(b)(10) may be inapplicable, provided proper and appropriate arrangements for compensation are made to ~~[the City]~~HWU for providing pretreatment services to the industry.

(g) *Trucked and/or hauled wastes.*

(1) Any person who transports septic tank, seepage pit or cesspool contents, liquid industrial waste or other batch liquid waste and wishes to discharge such waste to the public sewer system shall first have a valid Domestic Hauler's Discharge Permit. All applicants for a Domestic Hauler's Discharge Permit shall complete the application form, pay the appropriate fee, and receive a copy of ~~[the City]~~HWU's regulations governing discharge to sewers of liquid wastes from trucks. All persons receiving such permits shall agree, in writing, to abide by all applicable provisions of this ordinance, and any other special provisions that may be established by ~~[the City]~~HWU as necessary for the proper operation and maintenance of the sewage system.

(2) Discharge of septic tank, seepage pit, interceptor or cesspool contents, or other wastes containing no industrial wastes may be made by

trucks holding a valid permit at a location designated by the General Manager or his designee for that purpose. Discharge of truck-transported grease pit contents or industrial wastewater shall take place only after notification is made to the General Manager or his designee and then only at the locations specified by the General Manager or his designee. HWU requires payment as hereinafter provided for treatment and disposal costs.

(3) HWU reserves the right to refuse permission to discharge any waste that may cause interference or upset at the POTW, or any waste that violates any provision of this ordinance.

(4) Any person holding a valid permit and wishing to discharge to the POTW must submit to the operator of the POTW a sample of each load prior to discharge. A fee and payment schedule shall be established in the permit to cover cost of the required analysis.

(5) It shall be illegal to discharge any batch liquid waste into any manhole or other part of the public sewer system, or any building sewer or other facility that discharges to the public sewer system, except at designated points of discharge specified by the General Manager, or his designee, for such purpose.

(6) Any liquid waste hauler illegally discharging to the public sewer system or discharging wastewater not authorized in the permit shall be subject to immediate revocation of discharge privileges and further subject to the penalties and enforcement actions prescribed in Sec. 23-35 of this ordinance, including fines and imprisonment. A suspended permittee shall immediately cease discharging any wastes to the sanitary sewer system of the City or to facilities that discharge directly or indirectly into its system. Should a suspended permittee fail to voluntarily comply with any suspension order, the General Manager or his designee shall take such actions as are deemed necessary or appropriate to prevent or minimize damage to the POTW and/or to protect the health and welfare of the general public.

(7) A suspended permit may be reinstated by the General Manager upon submission of assurances satisfactory to the General Manager that the suspended permittee will comply with this division and the rules and regulations promulgated pursuant to this section plus payments of such fines or other penalties as may be levied by ~~the~~ HWU. The General Manager or his designee shall require that within fifteen (15) days after the date of any such occurrence, the suspended permittee submit a written report to ~~the~~ HWU detailing the nature and extent of the violation(s), including any nonpermitted discharges, and the measures taken by the suspended permittee to prevent any future occurrence.

(8) ~~Waste~~ Septic waste haulers who have been granted permission to discharge to the public sewer system shall pay fees for such discharge in accordance with a fee schedule established by the General Manager and approved by ~~the City~~ the Water and Sewer Commission. The Henderson Water and Sewer Commission shall establish, and from time to time may

alter, a schedule of fees, rates and charges for the Domestic Hauler's Discharge Permit to cover the costs of treatment and disposal of all wastes governing permit issuance, requirements, conditions, suspensions and all other matters necessary or appropriate to implement this section.

(9) Only wastes approved by the General Manager or his designee and originating from within the City of Henderson, Henderson County, or ~~Webster County~~ other locations as approved by the General Manager, shall be allowed under this permit. Dumping hours shall be fixed by HWU and shall be limited to 6:00 a.m. to 6:00 p.m., local time, Monday through Saturday, excluding HWU holidays. Dumping after hours or on holidays may be allowed by permission only from the operator on duty at the HWU wastewater treatment plant.

(10) The permittee shall complete a load report for each load of waste deposited into ~~the City~~ HWU's sewer system. The information on the load report shall be recorded and signed by an employee of the permittee, or the permittee himself, and shall be in duplicate on forms furnished by the HWU. The original copy of all load reports, a summary monthly report and accompanying payment based upon the current rate per one thousand (1,000) gallons of approved liquid waste plus the current rate per one thousand (1,000) gallons for contents from grease traps which were discharged into ~~the City~~ HWU's drybed system for the previous month, shall be submitted to the HWU~~'s~~ ~~Administrative Office~~ General Manager or ~~its~~ his designee by the fifteenth day of the month following the discharge.

(11) Discharge of all liquid wastes allowed under this section shall take place only at the location(s) designated by the General Manager or his designee. The designated location to be used under the Domestic Hauler's Discharge Permits may be changed by the General Manager or his designee as deemed necessary.

(12) The discharge of trucked and/or hauled wastes from industrial plating processes or radiator businesses is prohibited.

(13) Nothing in this ordinance shall relieve waste haulers of the responsibility for compliance with Henderson County Health Department, State, or Federal regulations.

(h) *Protection from accidental and slug discharges.*

(1) Each significant industrial user shall provide protection from accidental and/or slug discharges of prohibited materials or other substances regulated by this division which adversely affects the POTW. Facilities to prevent accidental and/or slug discharges of prohibited materials shall be provided and maintained at the owner or user's own cost and expense. Periodically, the General Manager or his designee will determine whether each industrial user needs to develop or update a plan to control slug discharges. If the General Manager or his designee

determines that a slug control plan or revision is necessary, the plan shall contain the following:

- a. Description of discharge practices;
- b. Description of stored chemicals;
- c. Procedures for notifying POTW;
- d. Prevention procedures for spills.

In the case of all possible or actual accidental and/or slug discharges, it is the responsibility of the user to immediately telephone and notify the POTW of the incident. The notification shall include location of discharge, type of waste, concentration and volume, and corrective actions.

(2) **Written notice.** Within five (5) days following an accidental discharge, the user shall submit to the General Manager a detailed written report describing the cause of the discharge and the measures to be taken by the user to prevent any future occurrences. Such notification shall not relieve the user of any expense, loss, damage, or other liability which may be incurred as a result of damage to the POTW, fish kills, or any other damage to person or property, nor shall such notification relieve the user of any fines, civil penalties, or other liability which may be imposed by this article, the enforcement response plan or other applicable law.

(3) **Notice to employees.** A notice shall be permanently posted on the user's bulletin board or other prominent place advising employees whom to call in the event of a dangerous discharge. Employers shall insure that all employees who may cause or suffer such a dangerous discharge to occur are advised of the emergency notification procedures. Proof of this notification and training may be demanded at any time by the General Manager or his designee.

(i) **State requirements.** State requirements and limitations on discharges shall apply in any case where they are more stringent than federal requirements and limitations or those in this division.

(j) **City's right of revision.** ~~[The City]~~The Water and Sewer Commission reserves the right at the recommendation of the General Manager to establish by majority vote of its board of commissioners more stringent limitations and/or requirements on discharges to the POTW if deemed necessary to comply with the objectives presented in this division.

(k) **Federal categorical pretreatment standards.** Upon the promulgation of the federal categorical pretreatment standards for a particular industrial subcategory, the federal standard, if more stringent than limitations imposed under this division for sources in that subcategory, shall immediately supersede the limitations imposed under this division.

(Ord. No. 06-11, 3-22-11; Ord. No. 20-14, 6-24-14)

Sec. 23-32. Industrial User Cost Recovery and Pretreatment Program Fees.

(a) *Purpose.* This article provides for the recovery of costs from industrial users of the POTW for the implementation of the pretreatment program established herein and for other costs associated with the monitoring and treating of wastewaters. The applicable charges and fees shall be as set forth below, and in ~~[the City]~~HWU's schedule of charges and fees.

(b) *Charges and fees.* ~~[The City]~~HWU may adopt charges and fees which may include:

- (1) Fees for reimbursement of costs of setting up and operating ~~[the City]~~HWU's pretreatment program;
- (2) Fees for monitoring, lab tests, inspections, and surveillance procedures;
- (3) Fees for reviewing accidental discharge procedures and construction;
- (4) Fees for permit applications;
- (5) Fees for filing appeals;
- (6) Fees for consistent removal by the POTW of excessive strength conventional pollutants;
- (7) Fees for all costs directly related to investigation of a prohibited discharge;
- (8) Other fees as ~~[the City]~~HWU may deem necessary to carry out the requirements contained herein. A minimum fee ~~[will]~~may be charged to all customers based upon water consumption or metered flow.

~~[These fees relate solely to the matters covered by this ordinance and are separate from all other fees chargeable by the City.]~~

(c) Surcharge rates as set by the Water and Sewer Commission shall apply to each user of the POTW that has received permission from the General Manager to contribute wastewater with a greater strength than normal domestic wastewater.

(d) Method of Computing Surcharges: The excessive strength surcharge shall be based on a formula, with the total billed to affected users:

$$\text{Surcharge Payment} = (A \times (F-400) + B \times (G-400) + C \times (H-50) + D \times (J-150)) \times 0.00834 \times M.$$

$$\text{Or, Surcharge Payment} = (E \times (K-1,000) + B \times (G-400) + C \times (H-50) + D \times (J-150)) \times 0.00834 \times M.$$

where the formula giving the larger payment due will be used in calculating the surcharge for each billing period.

The formula components are as follows:

- A. Surcharge rate for BOD₅, in \$/pound.
- B. Surcharge rate for TSS, in \$/pound.
- C. Surcharge rate for NH₃-N, in \$/pound.
- D. Surcharge rate for O&G (Total), in \$/pound.
- E. Surcharge rate for COD, in \$/pound.
- F. User's average BOD₅ concentration, in mg/l.
- G. User's average TSS concentration, in mg/l.
- H. User's average NH₃-N concentration, in mg/l.
- J. User's average O&G (Total), in mg/l.
- K. User's average COD concentration, mg/l.
- M. User's monthly flow to sanitary sewer system, per 1,000 gallons.

No reduction in wastewater service charges, fees, or taxes shall be permitted for wastes discharged to the POTW which contain less than normal domestic wastewater contaminant limits.

(e) Fees applicable to trucked and/or hauled wastes. The applicable fees pertaining to the discharge of trucked and/or hauled wastes into the [City's sanitary sewer system]POTW shall be as follows:

- (1) An application fee shall accompany each permit application to cover the cost of the annual discharge permit. New permit applications received during the year shall be pro-rated based on the number of full months remaining in the year;
- (2) Fees for all costs incurred by [the]HWU in monitoring, inspections, and surveillance procedures may be assessed. These fees will be billed on a regular basis to the Industrial User applicable;
- (3) Fees for all costs directly related to investigation of a prohibited discharge shall be assessed to the source of such discharge;
- (4) Fees for all costs incurred as a result of the filing of appeals may be assessed to the appellant; and,
- (5) Other fees and expenses for all costs incurred by [the]HWU to carry out the requirements contained in this ordinance.


(f) These fees relate solely to the matters covered by this [ordinance]section and are separate from all other fees chargeable by HWU and the City.

(Ord. No. 06-11, 3-22-11)

City Commission Memorandum
19-180

August 8, 2019

TO: Mayor Steve Austin and the Board of Commissioners

FROM: William L. "Buzzy" Newman, Jr., City Manager 

SUBJECT: 911 Fees

First reading of an ordinance relating to 911 fees will be heard at the Board of Commissioners meeting on August 13, 2019.

The attached ordinance amends Chapter 23, *Utilities*, Article VII, *Telephone Service*, Division 2, *911 Emergency Telephone Service*, Sec. 23-143, "911" Fee. The proposed changes remove the "911" fee from collection of a charge on "land line" phones in both the City of Henderson and Henderson County, instead placing this charge through a service fee on active water meters.

As you are aware, with technological advancements and the decreasing use of "landline" phones, the current financial system for support of the 911 emergency communications unfairly places the burden of supporting the system on a disproportionately small segment of the citizens of the City. The General Assembly, by KRS 65.760 (3), permits local governments to fund 911 emergency telephone services by imposition of service fees and it is believed that placing this fee on water meters distributes the burden more equitably by requiring more persons to support the system.

The proposed ordinance will establish, impose and implement a monthly service fee on active water meters that will be calculated at \$3.25 per month per active residential and commercial water meter and the charge shall be deemed as part of the water bill.

Your approval of the attached ordinance is requested.

c: Robert Gunter
Susan Bryant
Dawn Kelsey

ORDINANCE NO. _____

**ORDINANCE AMENDING CHAPTER 23, UTILITIES,
ARTICLE VII. TELEPHONE SERVICE, DIVISION 2.
911 EMERGENCY TELEPHONE SERVICE, SEC. 23-
143 – “911” FEE ORDINANCES**

WHEREAS, the operation of a 911 or emergency communications system is one of the most critical of all public services, indispensable and necessary for the safety of the citizens of the City of Henderson and ensuring prompt responses to emergencies, and

WHEREAS, the City of Henderson, pursuant to KRS 65.760 , by interlocal governmental agreement with Henderson County Fiscal Court, created 911 Communications, a public safety answering point with both entity being obligated to fund the cost of operation pursuant to Ordinance 23-141, and

WHEREAS, there currently is a system for financial support based upon a charge on “land line” phones in both the City of Henderson and Henderson County, Kentucky, collected by a telephone utility and distributed directly into the account Emergency Communication 911 Fund, an account solely for the administration and operation of that 911.

WHEREAS, technology advancements have resulted in the current financial system for support of 911 emergency communications unfairly placing the burden of supporting the system on a disproportionately small segment of the citizens of City of Henderson, Kentucky, and

WHEREAS, Kentucky Revised Statute (KRS) 65.760 (3) is a specific provision wherein the General Assembly expressly permits local governments to fund 911 emergency telephone services by the imposition of service fees, more particularly: “The funds required ... to establish

and operate 911 emergency telephone service ... may be obtained through the levy of any ... fee not in conflict with the Constitution and Statutes of this state,” and

WHEREAS, the City of Henderson believes that distributing the burden among the citizens through a service fee on water meters is more equitable; that it bears a reasonable relationship to the benefit received, and requires more persons to support the system than a “land line” phone fee.

WHEREAS, Henderson Water and Sewer Utility is the sole water distributions systems in the City of Henderson providing essential water service to the citizens of the City of Henderson.

WHEREAS, The City of Henderson and the Henderson Water Utility are willing to perform this public service.

NOW, THEREFORE, BE IT HEREBY ORDAINED as follows:

Sec. 23-143. - "911" fee.

~~[(a) There is hereby established a "911" fee of one dollar fifty cents (\$1.50) per month for each exchange telephone subscriber and such fee shall increase automatically by the sum of twenty five cents (\$0.25) on March 1 of each year for four (4) consecutive years beginning on March 1, 2008, which is levied as a special tax, license, and/or fee to be paid by each exchange telephone subscriber in Henderson County E911 service area, TAR code 851, on an individual exchange line basis limited to a maximum of twenty five (25) exchange lines per account.]~~

~~[(b) Pursuant to an existing agreement, the local exchange telephone company shall collect the "911" fee from the subscriber and remit said fee to the city according to its terms and state law.]~~

(a) There is established, imposed and implemented a monthly service fee on active water meters provided to occupied households and businesses in the City of Henderson, Kentucky, calculated at \$3.25 per month per active residential and commercial water meters and the charge shall be deemed as part of the water bill.

(b) An active water meter is defined as any water meter that is producing revenue.

IT IS FURTHER ORDAINED that this Ordinance shall take effect January 1, 2020.

IT IS FURTHER ORDAINED that this Ordinance shall take effect and be in full force when passed, published and recorded according to law. Any ordinance, resolutions, or executive orders in conflict with any section of this ordinance are hereby repealed or rescinded.

All ordinances or parts of ordinances in conflict herewith are hereby repealed and superseded to the extent of such conflict.

This ordinance shall become effective upon its legal adoption.

On first reading of the foregoing ordinance, it was moved by Commissioner _____, seconded by Commissioner _____, that the ordinance be adopted on its first reading.

On roll call the vote stood:

Commissioner Vowels: _____	Commissioner Staton: _____
Commissioner Bugg: _____	Mayor Austin: _____
Commissioner Royster: _____	

WHEREUPON, Mayor Austin declared the ordinance adopted on first reading and ordered that it be presented for a second reading at a meeting of the Board of Commissioners.

On second reading of the ordinance, it was moved by Commissioner _____, seconded by Commissioner _____, that the ordinance be adopted.

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

Commissioner Vowels: _____	Commissioner Staton: _____
Commissioner Bugg: _____	Mayor Austin: _____
Commissioner Royster: _____	

WHEREUPON, Mayor Austin declared the ordinance adopted, affixed his signature and the date and ordered that it be recorded.

Steve Austin, Mayor

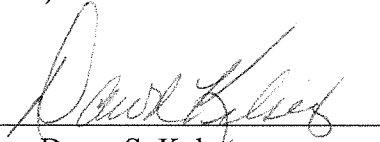
Date: _____

ATTEST:

Maree Collins, CKMC, City Clerk

**APPROVED AS TO FORM AND
LEGALITY THIS 4 DAY OF
AUGUST, 2019.**

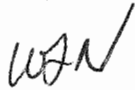
By: _____



Dawn S. Kelsey
City Attorney

**City Commission Memorandum
19-181**

August 8, 2019

TO: Mayor Steve Austin and the Board of Commissioners
FROM: William L. "Buzzy" Newman, Jr., City Manager 
SUBJECT: 2019 Property Tax Rates

An item for the agenda of Tuesday, August 13, 2019 is first reading of an ordinance establishing the 2019 tax rate.

As proposed, the following rates will apply for each \$100.00 of fair market value:

	RATE	CHANGE
Real Property:	\$0.4900	- 0 -
Personal Property:	\$0.8130	- 0 -
Motor Vehicles/Watercraft:	\$0.3927	- 0 -

The Real Property and Personal Property rates are the same rate as last year. The Motor Vehicles/Watercraft rate is statutorily frozen at 1984 levels.

The 2019 tax bill is due in full not later than January 2, 2020. Payment prior to the end of business on November 15, 2019 will result in a one percent (1%) discount of the tax.

Your approval of the attached ordinance is requested.

c: Robert Gunter
Dawn Kelsey

FINANCE DEPARTMENT MEMORANDUM
19-24

August 8, 2019

TO: William Newman, Jr., City Manager

FROM: Robert Gunter, Finance Director

SUBJECT: 2019 Property Tax Rates

Attached is a copy of the 2019 property tax rate calculation. This calculation is done after we receive word from Mr. Andrew Powell, Property Valuation Administrator, that the Kentucky Department of Revenue has certified the assessments. These assessment totals are used for the tax rate calculation. The calculation gives the City several choices of real estate tax rates based on the 2019 assessments. Rate I, the compensating rate, gives the City approximately the same revenue in 2019 as in 2018, based on the 2019 assessment total. Rate II, the 4% increase rate, gives the City approximately 4% more revenue in 2019 than in 2018, excluding new property. A public hearing is required, per K.R.S. 132.027, to hear comments from the public if a tax rate is levied that exceeds the compensating rate. Any tax rate or revenue higher than the 4% is subject to a recall vote.

Since 1991, a calculation must be made for personal property based on the real estate rate selected. This does not include motor vehicles and watercraft as these are not billed or collected directly by the City. Taxes for vehicles and watercraft are collected by the County Court Clerk at the time of registration and remitted monthly, less the 4% collection fee, to the City. The vehicle rate is frozen at the 1984 rate, \$.3927 per House Bill 44.

The 2019 calculation for the compensating real estate rate results in a rate of \$.516 per \$100 assessment, an increase of \$.026. This would equate to an increase in revenue of \$407,998. Real estate assessments were up \$18,232,097 or 1.5% from 2018 to 2019. Anticipated 2019 gross revenue from real property using the current rate of \$0.49/\$100 would be \$6,005,536 compared to \$5,916,199 in 2018.

The compensating rate for personal property is \$.893 per \$100 assessment, an increase of \$.08. This would equate to an increase in revenue of \$71,434. Personal property assessments were down \$3,451,726 from 2018. Anticipated 2019 gross revenue from personal property using the current rate of \$0.813/\$100 would be \$1,011,137 compared to \$1,039,199 in 2018.

Using the current rates, the total possible revenue from both real and personal is \$7,016,673 and based on our average collection rate of 98.9%, the property tax revenue should be approximately \$6,939,490. The budget for property tax revenue less property tax discount in the General for fiscal 2020 is \$6,835,200.

Finance Department Memorandum
William Newman, Jr., City Manager
August 8, 2019 - Page Two

The property tax revenue will be placed in the General Fund and transferred to the Police and Fire Pension and Civil Service Pension funds when funds are needed.

Transfers from other revenue resources in the General, Gas, and Sanitation funds to the Bond fund will be made to fulfill obligations for the 2010B, 2011A, 2015A, 2016A, 2017A, and 2017C general obligation bonds. These transfers as well as contributions from HWU will be enough to fund all principal and interest payments and this action will eliminate the need for property taxes in the Bond Fund for fiscal 2020.

The time period for paying taxes with a discount, through November 15th, is 73 days. The City will allow payments without penalty the first two working days in January to allow individuals latitude in planning income tax deductions. Based on the calendar, payments can be made January 3rd without penalty.

Please contact me if you have any questions or need additional information.


Robert Gunter

Enclosures

Cc Greg Nunn
Susan Bryant

CITY OF HENDERSON
PROPERTY TAX RATE CALCULATION WORKSHEET
2019

Item		
1	2018 Actual Tax Rate (per \$100) Real Property	0.4900
2	2018 Actual Tax Rate (per \$100) Personal Property	0.8130
3	2018 Total Property subject to Rate	\$ 1,335,210,353
4	2018 Real Property subject to Rate	\$ 1,207,387,584
5	2019 Total Property subject to Rate	\$ 1,349,990,724
6	2019 Real Property Subject to Rate	\$ 1,225,619,681
7	2019 New Property net of Deletions (KRS 132.010)	\$ (3,522,130)
8	Increase in HEX (not needed for calculation)	
9	2018 Personal Property Subject to Rate	\$ 127,822,769
10	2019 Personal Property Subject to Rate	\$ 124,371,043

REAL PROPERTY

I. Compensating Rate for 2019

Rate I (Round Up)

Item 4 divided by 100 X Item 1 = A	\$ 5,916,199
A divided by (Item 6 minus Item 7) X 100 = Rate I	0.482

Check for minimum revenue limit on compensating rate for 2019

Substitute for Rate I (round up)

Item 5 divided by 100 X Rate I = 2019 Total Revenue	\$ 6,506,955
Item 4 divided by 100 X Item 1 = 2018 Revenue (RE)	\$ 5,916,199
Item 9 divided by 100 X Item 2 = 2018 Revenue (PP)	\$ 1,039,199
2018 Revenue (RE) + 2018 Revenue (PP) = Grand Total 2018 Revenue (C)	\$ 6,955,398
2018 Rev divided by Item 5 X 100	0.516
(Use if 2018 calculation of revenue is greater than 2019)	

II. Rate Allowing 4% Increase in Revenue for Real Property

Rate II (round down)

(Item 6 minus Item 7) divided by 100 X Rate I or Sub Rate=B	\$ 6,342,372
B X 1.04 divided by (Item 6 minus Item 7) X 100 = Rate II	0.536

PERSONAL PROPERTY

2019 PP Rate (using the compensating rate)

Item 6 divided by 100 X 2019 Rate (RE) = 2019 Revenue (RE)	\$ 6,324,198
Item 4 divided by 100 X Item 1 = 2018 Revenue (RE)	\$ 5,916,199
2019 Revenue (RE) minus 2018 Revenue (RE) = \$ increase 2019 over 2018	\$ 407,999
\$ Increase 2019 over 2018 divided by 2018 Revenue (RE) = D (% Increase)	6.9%
Item 2 X Item 9 divided by 100 = 2018 Revenue (PP)	\$ 1,039,199
2018 Revenue (PP) X (D + 1.0) = 2019 \$ Minimum (PP)	\$ 1,110,904
2019 \$ Minimum (PP) divided by Item 10 X 100 = 2019 Rate (PP)	0.893

2019 PP Rate (using 4% real rate)

Item 6 divided by 100 X 2019 Rate (RE) = 2019 Revenue (RE)	\$ 6,569,321
Item 4 divided by 100 X Item 1 = 2018 Revenue (RE)	\$ 5,916,199
2019 Revenue (RE) minus 2018 Revenue (RE) = \$ increase 2019 over 2018	\$ 653,122
\$ Increase 2019 over 2018 divided by 2018 Revenue (RE) = D (% increase)	11.0%
Item 2 X Item 9 divided by 100 = 2018 Revenue (PP)	\$ 1,039,199
2018 Revenue (PP) X (D + 1.0) = 2019 \$ Minimum (PP)	\$ 1,153,511
2019 \$ Minimum (PP) divided by Item 10 X 100 = 2019 Rate (PP)	0.927

2019 TAX BREAKDOWN PROJECTION

	<u>TOTAL BILLING</u>	<u>POLICE AND FIRE PENSION</u>	<u>CIVIL SERVICE PENSION</u>	<u>BOND FUND</u>	<u>GENERAL</u>
REAL ESTATE ASSESSMENT	\$ 1,225,619,681				
REAL ESTATE TAX RATE	0.490	0.0000	0.0000	0.0000	0.4900
TOTAL REAL ESTATE REVENUE	\$ 6,005,536	\$ -	\$ -	\$ -	\$ 6,005,536
PERSONAL PROPERTY ASSESSMENT	\$ 124,371,043				
PERSONAL PROPERTY TAX RATE	0.813	0.0000	0.0000	0.0000	0.8130
TOTAL PERSONAL PROPERTY REVENUE	\$ 1,011,137	\$ -	\$ -	\$ -	\$ 1,011,137
TOTAL POSSIBLE TAX REVENUE	7,016,673	-	-	-	7,016,673
	100.000%	0.000%	0.000%	0.000%	100.000%
AVERAGE COLLECTED 98.9%	\$ 6,939,490	\$ -	\$ -	\$ -	\$ 6,939,490

REAL ESTATE REVENUE/RATE COMPARISONS

2018 versus 2019

COMPENSATING RATE				
TAX YEAR	ASSESSMENT	RATE PER \$100		REVENUE
2018	\$ 1,207,387,584	0.490	\$	5,916,199
2019	\$ 1,225,619,681	0.516	\$	6,324,198
DIFFERENCE	\$ 18,232,097	0.026	\$	407,998
4% INCREASE IN REVENUE RATE				
TAX YEAR	ASSESSMENT	RATE PER \$100		REVENUE
2018	\$ 1,207,387,584	0.490	\$	5,916,199
2019	\$ 1,225,619,681	0.536	\$	6,569,321
DIFFERENCE	\$ 18,232,097	0.046	\$	653,121
REAL PROPERTY WITH LAST YEAR'S RATE				
TAX YEAR	ASSESSMENTS	RATE PER \$100		REVENUE
2018	\$ 1,207,387,584	0.490	\$	5,916,199
2019	\$ 1,225,619,681	0.490	\$	6,005,536
DIFFERENCE	\$ 18,232,097	0.000	\$	89,337

<p align="center">REAL ESTATE TAX BILL COMPARISON 2018 versus 2019</p>

	\$50,000	ASSESSMENT	
		2019	2019
	2019 Bill	COMPENSATING RATE	4% INCREASE RATE
RATE	0.490	0.516	0.536
BILL	\$ 245.00	\$ 258.00	\$ 268.00
DIFFERENCE		\$ 13.00	\$ 23.00

	\$75,000	ASSESSMENT	
		2019	2019
	2019 Bill	COMPENSATING RATE	4% INCREASE RATE
RATE	0.490	0.516	0.536
BILL	\$ 367.50	\$ 387.00	\$ 402.00
DIFFERENCE		\$ 19.50	\$ 34.50

	\$100,000	ASSESSMENT	
		2019	2019
	2019 Bill	COMPENSATING RATE	4% INCREASE RATE
RATE	0.490	0.516	0.536
BILL	\$ 490.00	\$ 516.00	\$ 536.00
DIFFERENCE		\$ 26.00	\$ 46.00

	\$125,000	ASSESSMENT	
		2019	2019
	2019 Bill	COMPENSATING RATE	4% INCREASE RATE
RATE	0.490	0.516	0.536
BILL	\$ 612.50	\$ 645.00	\$ 670.00
DIFFERENCE		\$ 32.50	\$ 57.50

EVERY \$10,000 ASSESSMENT WILL CHANGE 2018 BILL FROM 2019 BILL BY THE FOLLOWING AMOUNTS:

	COMPENSATING RATE	4% INCREASE RATE
	\$ 2.60	\$ 4.60

PERSONAL PROPERTY REVENUE / RATE COMPARISONS

2018 versus 2019

PERSONAL PROPERTY RATE WITH COMPENSATING REAL ESTATE RATE				
TAX YEAR	ASSESSMENTS	RATE PER \$100	REVENUE	
2018	\$ 127,822,769	0.813	\$	1,039,199
2019	\$ 124,371,043	0.893	\$	1,110,633
DIFFERENCE	\$ (3,451,726)	0.080	\$	71,434

PERSONAL PROPERTY RATE WITH 4% INCREASE REAL ESTATE RATE				
TAX YEAR	ASSESSMENTS	RATE PER \$100	REVENUE	
2018	\$ 127,822,769	0.813	\$	1,039,199
2019	\$ 124,371,043	0.927	\$	1,152,920
DIFFERENCE	\$ (3,451,726)	0.114	\$	113,721

PERSONAL PROPERTY WITH LAST YEAR'S RATE				
TAX YEAR	ASSESSMENTS	RATE PER \$100	REVENUE	
2018	\$ 127,822,769	0.813	\$	1,039,199
2019	\$ 124,371,043	0.813	\$	1,011,137
DIFFERENCE	\$ (3,451,726)	0.000	\$	(28,063)

CITY OF HENDERSON
10 YEAR TAX HISTORY

REAL ESTATE

<u>TAX YEAR</u>	<u>TAX RATE PER \$100 ASSESSMENT</u>	<u>REAL ESTATE TAXABLE VALUATIONS</u>	<u>INCREASE/ (DECREASE)</u>
2010	0.4860	1,079,090,080	7,649,168
2011	0.5210	1,095,300,560	16,210,480
2012	0.5420	1,101,286,362	5,985,802
2013	0.5610	1,107,274,811	5,988,449
2014	0.5770	1,121,833,378	14,558,567
2015	0.5910	1,139,538,236	17,704,858
2016	0.6110	1,153,387,889	13,849,653
2017	0.4900	1,185,931,819	32,543,930
2018	0.4900	1,207,387,584	21,455,765
2019	0.4900	1,225,619,681	18,232,097

PERSONAL PROPERTY

<u>TAX YEAR</u>	<u>TAX RATE PER \$100 ASSESSMENT</u>	<u>PERSONAL PROPERTY TAXABLE VALUATIONS</u>	<u>INCREASE/ (DECREASE)</u>
2010	0.7140	125,452,216	(19,086,578)
2011	0.7430	131,246,205	5,793,989
2012	0.7500	133,507,771	2,261,566
2013	0.7500	135,467,778	1,960,007
2014	0.8000	132,313,682	(3,154,096)
2015	0.8130	135,348,854	3,035,172
2016	0.8130	130,693,177	(4,655,677)
2017	0.8130	132,218,009	1,524,832
2018	0.8130	127,822,769	(4,395,240)
2019	0.8130	124,371,043	(3,451,726)

Timeline of Adoption of the Property Tax Ordinance and Mailing of Tax Bills

	Public Hearing	First Reading	Second Reading	Discount End Date	Mail Date	Days in Discount
2010	Not needed	8/24/2010	9/14/2010	11/17/2010	9/17/2010	61
2011	9/13/2011	9/13/2011	9/27/2011	11/16/2011	9/30/2011	47
2012	Not needed	9/11/2012	9/25/2012	11/15/2012	9/28/2012	48
2013	Not needed	8/27/2013	9/10/2013	11/14/2013	9/16/2013	59
2014	Not needed	8/26/2014	9/9/2014	11/19/2014	9/19/2014	61
2015	Not needed	8/25/2015	9/8/2015	11/17/2015	9/18/2015	60
2016	Not needed	8/23/2016	9/13/2016	11/16/2016	9/23/2016	54
2017	Not needed	5/16/2017	5/26/2017	11/15/2017	9/13/2017	63
2018	Not needed	9/11/2018	9/25/2018	11/15/2018	9/28/2018	48
2019	Not needed	8/13/2019	8/27/2019	11/15/2019	9/3/2019	73

History of Property Tax Rates

Final Reading	Real Property	Personal Property	Resulting Tax Income	Increase from Prior Year
September 14, 2010	0.486 Compensating Rate	0.714 Compensating Rate	\$ 6,019,315.00	\$ 277,688.00
September 27, 2011	0.521 4% increase	0.743 4% increase	\$ 6,502,704.00	\$ 483,389.00
September 25, 2012	0.542 Compensating Rate	0.750 Less than compensating rate	\$ 6,970,280.00	\$ 467,576.00
September 10, 2013	0.561 Compensating Rate	0.750 Less than compensating rate	\$ 7,227,820.00	\$ 257,540.00
September 9, 2014	0.577 Compensating Rate	0.800 Compensating Rate	\$ 7,531,488.00	\$ 303,668.00
September 8, 2015	0.591 Compensating Rate	0.813 Compensating Rate	\$ 7,835,057.00	\$ 303,569.00
September 13, 2016	0.611 Compensating Rate	0.813 Less than compensating rate	\$ 8,109,736.00	\$ 274,679.00
May 26, 2017	0.490 Less than compensating rate	0.813 Less than compensating rate	\$ 6,954,431.00	\$ (1,155,305.00)
September 25, 2018	0.490 Less than compensating rate	0.813 Less than compensating rate	\$ 6,954,813.00	\$ 382.00
August 27, 2019	0.490 Less than compensating rate	0.813 Less than compensating rate	\$ 7,016,673.00	\$ 61,860.00

ORDINANCE NO. _____

ORDINANCE PROVIDING FOR THE LEVY AND COLLECTION OF
AD VALOREM TAXES

SUMMARY: 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, 2019, AND
PROVIDING FOR THE TIME OF PAYMENT FOR
SUCH TAXES, PENALTY, INTEREST AND DISCOUNT

BE IT ORDAINED by the City of Henderson, Kentucky as follows:

SECTION I: An Ad Valorem Tax of Forty Nine and Zero Hundredths Cents (\$.4900) on each One Hundred Dollars (\$100.00) of the fair market value of all real property and Eighty One and Thirty Hundredths Cents (\$.8130) on each One Hundred Dollars (\$100.00) of the fair market value on all tangible personal property, excluding motor vehicles and watercraft, and Thirty Nine and Twenty Seven Hundredths Cents (\$.3927) on each One Hundred Dollars (\$100.00) of the fair market value on all motor vehicles and watercraft within the City of Henderson, Kentucky, (within the corporate limits of said City or having a taxable situs within the City), as of January 1, 2019, that is subject to taxation for City purposes, and upon all franchises taxable for City purposes is hereby levied and directed to be collected thereon for the fiscal year beginning July 1, 2019, for the following separate and exclusive purposes:

	<u>Real Property</u>	<u>Personal Property</u>	<u>Motor Vehicles/ Watercraft</u>
General Fund Operations	\$.4900	\$.8130	\$.3927
TOTAL TAX RATE:	\$.4900	\$.8130	\$.3927

SECTION II: The Finance Director of the City is hereby designated as the Tax Collector of and for the City of Henderson, Kentucky, for the fiscal year beginning July 1, 2019. The ad valorem taxes on motor vehicles will be collected by the County Court Clerk pursuant to KRS 132.487.

SECTION III: All Ad Valorem taxes levied by the City of Henderson for the year 2019 shall be due and payable as soon as the tax bills are placed in the hands of the tax collector.

SECTION IV: A taxpayer, who pays his tax bill for the year 2019 on or before November 15, 2019 shall receive a discount equal to One Percentum (1%) of the amount of tax so paid.

SECTION V: No interest or penalty shall be charged for Ad Valorem taxes levied for the year 2019 until January 3, 2020. In the event all or any portion of a taxpayer's Ad Valorem taxes levied for the year 2019 shall be unpaid on January 3, 2020, the amount so unpaid shall bear interest equal to Six Percentum (6%) per annum until paid, and a penalty equal to Ten Percentum (10%) of the tax not theretofore paid shall be added to the bill.

SECTION VI: Payment for Ad Valorem property taxes can be accepted in person or by mail at 222 First St, Henderson, KY or payment may be made on the City's website at www.cityofhendersonky.org.

SECTION VII: All bills for Ad Valorem taxes on property will be delivered via U.S. mail.

SECTION VIII: All property assessments were completed by the Henderson County Property Valuation Administrator.

SECTION IX: Any phrases, clauses, sentences, paragraphs, and sections of this Ordinance are severable, and if any phrase, clause, sentence, paragraph, or section of this Ordinance shall be declared unconstitutional by any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs, and sections of this Ordinance, since same would have been enacted by the Board of Commissioner without the incorporation in this Ordinance of any such unconstitutional phrase, clause, sentence, paragraph, or section, and said remaining portions shall remain in full force and effect.

All ordinances or parts of ordinances in conflict herewith are hereby repealed and superseded to the extent of such conflict.

This ordinance shall become effective upon its legal adoption.

On first reading of the foregoing ordinance, it was moved by Commissioner _____, seconded by Commissioner _____, that the ordinance be adopted on its first reading. On roll call the vote stood:

Commissioner Bugg:	_____	Commissioner Vowels:	_____
Commissioner Royster:	_____	Mayor Austin:	_____
Commissioner Staton:	_____		

WHEREUPON, Mayor Austin declared the ordinance adopted on first reading and ordered that it be presented for a second reading at a meeting of the Board of Commissioners.

On second reading of the ordinance, it was moved by Commissioner _____, seconded by Commissioner _____, that the ordinance be adopted.

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

Commissioner Bugg:	_____	Commissioner Vowels:	_____
Commissioner Royster:	_____	Mayor Austin:	_____
Commissioner Staton:	_____		

WHEREUPON, Mayor Austin declared the ordinance adopted, affixed his signature and the date and ordered that it be recorded.

Steve Austin, Mayor

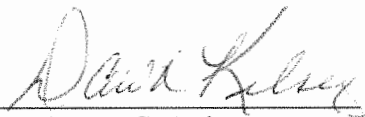
Date: _____

ATTEST:

Maree Collins, CKMC,
City Clerk

**APPROVED AS TO FORM AND
LEGALITY THIS 8 DAY OF
AUGUST, 2019.**

By: _____

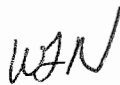


Dawn S. Kelsey
City Attorney

City Commission Memorandum
19-182

August 8, 2019

TO: Mayor Steve Austin and the Board of Commissioners

FROM: William L. "Buzzy" Newman, Jr., City Manager 

SUBJECT: City-County Human Rights Commission

The accompanying resolution authorizes the acceptance of a new Interlocal Cooperation Agreement for the establishment of a joint Henderson City-county Human Rights Commission and withdraws from the previous Interlocal Agreement for the City of Henderson, Henderson County, and City of Corydon's Human Rights Commission Agreement.

The Henderson County Fiscal Court and City of Henderson established a joint City-County Human Rights Commission by Interlocal Agreement in January of 1968. In May of 1980, the Interlocal Agreement was amended to add the City of Corydon. The Agreement was further amended three more times, with the last being in October of 1986.

Tasked with the responsibility to study issues which effect both the City of Henderson and Henderson County governments, the City-County Cooperative Study Team now recommends that the City and County withdraw from the current Agreement, with all its amendments, and to enter into a new Interlocal Agreement to create a joint City-County Human Rights Commission.

The new City-County Human Rights Commission shall endeavor to promote and secure mutual understanding and respect among all economic, social, religious, age, ethnic, sexual, and racial groups in the city and county, and shall act as conciliator in controversies involving intergroup and interracial relations.

Your approval of the attached resolution is requested.

c: Dawn Kelsey

RESOLUTION NO. _____

RESOLUTION ACCEPTING NEW INTERLOCAL COOPERATION AGREEMENT FOR THE ESTABLISHMENT OF A JOINT HENDERSON CITY-COUNTY HUMAN RIGHTS COMMISSION AND WITHDRAWING FROM PREVIOUS INTERLOCAL AGREEMENT FOR THE CITY OF HENDERSON, HENDERSON COUNTY, AND CITY OF CORYDON'S HUMAN RIGHTS COMMISSION AGREEMENT

WHEREAS, the Fiscal Court of Henderson County and the City of Henderson established a joint City-County Human Rights Commission by Interlocal Agreement in January of 1968; and

WHEREAS, that interlocal Agreement has been amended in May of 1980 to add the City of Corydon as a party; and

WHEREAS, that interlocal Agreement was amended in July 1982, July of 1986 and October of 1986; and

WHEREAS, the City/County Cooperative Study Team, tasked with the responsibility to study issues or projects which effect both City of Henderson and Henderson County governments, recommends that the City and County withdraw from the former Interlocal Agreement with its amendments and to enter into a new Interlocal Agreement to create a joint City/County Human Rights Commission; and

WHEREAS, Kentucky Revised Statutes 344.310 – 344.350 allows the establishment of a local human rights commission by counties and/or cities and allow the local commission “receive, initiate, investigate, hear and determine charges of violation of ordinances, orders, or resolutions, forbidding discrimination adopted by the city or county;” and

WHEREAS, the execution, delivery, and performance of this Agreement will be authorized, approved, and directed by the governing bodies of the County and City by an ordinance or resolution finally passed and adopted by the governing bodies of the County.

NOW THEREFORE BE IT RESOLVED, the City of Henderson hereby approves the Interlocal Agreement for the Establishment of a new City-County Human Rights Commission; and authorizes the Mayor to execute the agreement (attached hereto) on behalf of the City effective September 1, 2019, and to withdraw from the previous Agreement for a Human Rights Commission between the City of Henderson, Henderson County and the City of Corydon.

On motion of Commissioner _____, seconded by Commissioner _____, that the foregoing Resolution be adopted, the vote was called. On roll call the vote stood:

Commissioner Vowels: _____	Commissioner Staton: _____
Commissioner Bugg: _____	Mayor Austin: _____
Commissioner Royster: _____	

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

ATTEST:

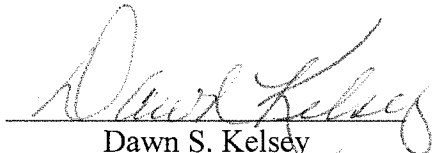
Steve Austin, Mayor

Date: _____

Maree Collins, CKMC, City Clerk

**APPROVED AS TO FORM AND
LEGALITY THIS 8 DAY OF
AUGUST, 2019.**

By:



Dawn S. Kelsey
City Attorney

INTERLOCAL COOPERATION AGREEMENT FOR THE ESTABLISHMENT OF A JOINT
HENDERSON COUNTY AND CITY OF HENDERSON HUMAN RIGHTS COMMISSION

This Interlocal Cooperation Agreement made and entered into this ____ day of August 2019 by and between the Fiscal Court of Henderson County and the City of Henderson hereinafter referred to respectively as "City" and "County."

WITNESSETH:

WHEREAS, the Fiscal Court of Henderson County and the City of Henderson established a joint City-County Human Rights Commission by Interlocal Agreement in January of 1968; and

WHEREAS, that interlocal Agreement has been amended in May of 1980 to add the City of Corydon as a party; and

WHEREAS, that interlocal Agreement was amended in July 1982, July of 1986 and October of 1986; and

WHEREAS, the City/County Cooperative Study Team, tasked with the responsibility to study issues or projects which effect both City of Henderson and Henderson County governments, recommends that the City and County enter into a new interlocal agreement to end the former Interlocal Agreement with its amendments and to enter into a new Interlocal Agreement to create a joint City/County Human Rights Commission; and

WHEREAS, Kentucky Revised Statutes 344.310 – 344.350 allows the establishment of a local human rights commission by counties and/or cities and allow the local commission "receive, initiate, investigate, hear and determine charges of violation of ordinances, orders, or resolutions, forbidding discrimination adopted by the city or county;" and

WHEREAS, the Fiscal Court of Henderson County and the City of Henderson desire to reduce into written form their understanding and agreement detailing the re-establishment of the City-County Human Rights Commission; and

WHEREAS, the Interlocal Cooperation Act, KRS 65.210, et seq. allow 2 or more public agencies including counties and cities to enter into interlocal agreements to make the most efficient use of their powers; and

WHEREAS, the execution, delivery, and performance of this Agreement has been authorized, approved, and directed by the governing bodies of the County and City by an ordinance or resolution finally passed and adopted by the governing bodies of the County.

NOW THEREFORE, for and in consideration of the mutual promises and covenants herein contained, the parties hereto agree as follows:

A. Purpose.

The primary purpose for which this Interlocal Cooperation Agreement (“Agreement”) is entered is to foster mutual understanding and respect among all groups and discourage discriminatory practices, formulate and carry out programs of community education and information, receive and act as conciliator regarding occurrences of acts of prejudice or discrimination, and secure the cooperation of various community groups in educational campaigns devoted to eliminating prejudice and discrimination throughout Henderson County, including the City of Henderson, pursuant to and in accordance with Kentucky Revised Statutes 344.310, et seq.

B. Establishment of Commission.

1. The offices and terms of the members previously appointed to the joint City-County Human Rights Commission are hereby abolished.
2. Fiscal Court of Henderson County and the City of Henderson do hereby agree to establish a Commission that shall be known as the City-County Human Rights Commission.
3. The Commission shall have the authority to hire an Executive Director of the City-County Human Rights Commission who shall be responsible for the day-to-day operation of the Commission and as the Commission may otherwise direct.
4. The membership of the City-County Human Rights Commission shall consist of seven (7) members. Three (3) members shall be appointed by the Mayor of the City of Henderson and three (3) shall be appointed by the County Judge Executive of Henderson County. One (1) member will be a joint appointment by the Mayor of the City of Henderson and the County Judge Executive of Henderson County. All such appointments shall be with the advice and consent of the respective legislative bodies. The members to be appointed shall be as nearly as possible representative of the several social, economic, religious, cultural, ethnic, and racial groups which comprise the population of Henderson County. No elected or appointed official of the City of Henderson or Henderson County may be a member of the Commission.
5. Commissioners shall be appointed for terms of three (3) years, provided, that in making the initial appointments, the appropriate chief executive officer or officers shall appoint two (2) commissioners for a term of three (3) years, two (2) commissioners for a term of two (2) years and three (3) commissioners for a term of one (1) year. There shall be no limitation on the number of terms to which a commissioner is reappointed. Subsequent appointments shall be for three (3) year terms.

6. The commission shall elect from its membership a chairman and a treasurer and may employ personnel and make contracts necessary to carry out the purpose of the board and this agreement.
7. The Commissioners shall serve without compensation.
8. A commissioner may be removed from office, by joint or separate action, of the appropriate chief executive officer or officers of the local governing body or bodies that established the commission, as provided by KRS 65.007.
9. Four (4) members of the City-County Human Rights Commission shall constitute a quorum for the transaction of business.
10. Each member of the Commission shall be entitled to vote on any issue coming before the Commission and, unless stated otherwise herein, any vote by the Commission shall be upheld only upon a majority vote. For purposes of this Agreement, a majority vote shall be an affirmative vote from more than one-half (1/2) of the members at any meeting in which at least four (4) members of the Commission are present.
11. The commission shall comply with the provisions of KRS 65A.010 to 65A.090 and the Henderson City -County Code of Ethics.
12. The Commission has the rights to make and adopt its own rules and regulations to govern its proceedings.

C. Financial Administration.

1. The Parties agree that an annual budget shall be approved by the City-County Human Rights Commission.
2. The City-County Human Rights Commission may accept grants and donations from foundations and others for the purpose of carrying out its functions.
3. The City-County Human Rights commission shall annually submit any budget requests to the Fiscal Court and the City of Henderson by April 1st. The commission will also provide its insurance policy to the City of Henderson and Fiscal Court upon renewal.
4. The City-County Human Rights Commission will carry a minimum of one million dollars in general liability insurance and name both the City and County as additional insureds on the policy.

D. Authority and Objectives.

1. The City-County Human Rights Commission shall endeavor to promote and secure mutual understanding and respect among all economic, social, religious, age, ethnic, sexual, and racial groups in the city and county, and shall act as conciliator in controversies involving intergroup and interracial relations. The Commission shall cooperate with federal, state, and other city agencies in an effort to develop harmonious intergroup and interracial relations and shall endeavor to enlist the support of civic, religious, labor, industrial, and commercial groups and civic leaders

dedicated to the improvement of intergroup and interracial relations and the elimination of discriminatory practices.

2. The Commission shall receive complaints, conduct investigations, hold hearings, make studies, and have such studies made as will enable the Commission to carry out the purposes of this Agreement.
3. The Commission shall submit an annual report on its operations and finances on or before March 1 of each year to the Mayor and Board of Commissioners and to the County Judge Executive and Henderson County Fiscal Court.

E. Duration and Right to Terminate.

1. This Agreement shall be perpetual in duration unless terminated according to the terms herein.
2. Any Party hereto shall have the right to terminate this Agreement by giving six (6) months notice, in writing, to the other Executive Officer of the legislative body and to the Chairperson of the City-County Commission.

F. Effective Date.

The Effective Date of this Agreement shall be September 1, 2019.

G. Assignment.

This Agreement may not be assigned by any Party hereto without the prior written consent of the remaining Parties hereto.

H. Miscellaneous.

All notices will be in writing and mailed (postage prepaid, and certified or registered with return receipt requested) or delivered (including delivery by courier services) as follows: **Mayor, City of Henderson**, P.O. Box 716, Henderson, KY 42419-0716; City Manager, P.O. Box 716, Henderson, KY 42419-0716 and **Judge/Executive, Henderson County**, 20 North Main Street, Henderson, KY 42420.

I. Amendments, Changes and Modifications.

Except as specifically provided in this Agreement, this Agreement may not be amended, changed, modified or altered, or any provision hereof waived, without the written consent of all Parties hereto.

J. Severability.

In the event that any provision of this Agreement is held invalid or unenforceable by any court of competent jurisdiction, such holding will not invalidate or render unenforceable any other provision hereof.

K. Applicable Law.

This Agreement will be governed by and construed in accordance with the laws of the Commonwealth of Kentucky.

BRAD SCHNEIDER, HENDERSON COUNTY
JUDGE EXECUTIVE

STEVE AUSTIN, CITY OF HENDERSON
MAYOR

ATTEST:

HENDERSON COUNTY CLERK


HENDERSON CITY CLERK

Title: _____
DEPARTMENT OF LOCAL GOVERNMENT
COMMONWEALTH OF KENTUCKY

City Commission Memorandum
19-183

August 8, 2019

TO: Mayor Steve Austin and the Board of Commissioners

FROM: William L. "Buzzy" Newman, Jr. 

SUBJECT: Municipal Order Awarding Bid for Heavy Equipment Rental

The accompanying municipal order authorizes the award of a bid to Schneider Farms & Excavating, Henderson, Kentucky, and A & S Services, Inc., Corydon, Kentucky, for the rental of heavy equipment.

Bid packages were sent to five vendors, with two bids received. The bid is for the rental of equipment for general use throughout the City. It is recommended the bid be awarded to Schneider Farms and Excavating with the exceptions as noted below:

1. Bid Item No. 12, Track-type hydraulic excavator (40,000-60,000 lb range) and Bid Item No. 21, Smooth-wheeled vibratory, resulted in a tie between Schneider Farms & Excavating and A & S Services. Jobs will alternate between the two for this equipment; and
2. A & S Services was low bidder on the following: Bid Item No. 17, Tandem-axle dump truck, Bid Item No. 18, Tri-axle dump truck, Bid Item No. 23, Farm tractor with disc (over 100 HP).

The low bids of Schneider Farms & Excavating and A & S Services, Inc. fully comply with the bid specifications, and award is recommended accordingly.

Your approval of the attached municipal order is requested.

c: Brian Williams
Dawn Winn

Public Works Memorandum
19-07

Date: July 31, 2019

TO: William Newman, City Manager

FROM: Brian Williams, Public Works Director *BW*

RE: Bid Reference No. 19-29, Heavy Equipment Rental

Bids were opened July 30, 2019 for Heavy Equipment Rental. The bids opened were as follows:



Bidder	See Attached
Schneider Inc.	
A & S Services	

This bid is for the rental of equipment for general use throughout the City. I recommend that Bid Reference No. 19-29, be awarded to Schneider Inc. with the following exceptions.

Bid Item No. 12, Track Hoe (40,000-60,000 lb range) & Bid Item No. 21 (smooth-wheeled vibratory compactor) resulted in a tie between Schneider Excavating and A & S Services. Jobs will alternate between the two for this equipment.

Bid Item No. 17 (Tandem-axle dump truck), Bid Item No. 18 (Tri-axle dump truck), Bid Item No. 23 (farm tractor disc-65 to 100 HP) - A & S Services was low bidder for these items. If not available then work will go to Schneider Inc.

CITY OF HENDERSON, KENTUCKY BID TABULATION SHEET								
BID REFERENCE NO.: 19-29		Schneider Farms and Excavating Henderson, KY	A & S Services Corydon, KY					
DATE BID OPENED: 07/30/19								
APPROVAL DATE: _____								
ACCEPTANCE FORM SENT: _____								
	Track-type dozer:							
1	30,000 pounds to 50,000 pounds	\$80.00	\$115.00					
2	Greater than 50,000 pounds	\$100.00	no bid					
	Track-type loader:							
3	30,000 pounds to 50,000 pounds	\$90.00	\$100.00					
4	Greater than 50,000 pounds	\$100.00	no bid					
	Rubber-tired tractor-scraper/self loading:							
5	Less than 37,000 pounds	\$90.00	no bid					
6	37,000 pounds to 75,000 pounds	\$100.00	no bid					
7	Greater than 75,000 pounds	\$125.00	no bid					
	Rubber-tired tractor-scraper push loaded including push tractor:							
8	Less than 37,000 pounds	\$130.00	no bid					
9	37,000 pounds to 75,000 pounds	\$150.00	no bid					
10	Greater than 75,000 pounds	\$150.00	no bid					
	Track-type hydraulic excavator:							
11	Less than 40,000 pounds	\$75.00	\$80.00					
12	40,000 pounds to 60,000 pounds	\$100.00	\$100.00					

13	Greater than 60,000 pounds	\$100.00	\$125.00					
14	Minimum 50' reach with thumb	\$140.00	no bid					
15	Long-reach	\$140.00	no bid					
	Road Grader:							
16	Greater than 35,000 pounds	\$80.00	no bid					
	On-road dump truck:							
17	Tandem-axle	\$70.00	\$60.00					
18	Tri-axle	\$70.00	\$65.00					
18a	Tractor Trailer (over-sized loads)	\$100.00	no bid					
	Compactor:							
19	Sheepfoot, with pull tractor	\$100.00	no bid					
20	Sheepfoot, without pull tractor	\$35.00	no bid					
21	Smooth-wheeled vibratory	\$75.00	\$75.00					
	Farm tractor with disc:							
22	65 HP to 100 HP	\$75.00	no bid					
23	Over 100 HP	\$80.00	\$75.00					
	Rubber-tired backhoe							
24	Less than or equal to 15,000 pounds	\$65.00	no bid					
25	Greater than 15,000 pounds	\$70.00	\$80.00					
Other Bidders Contacted					Bids Opened & Recorded By:		Bids Reviewed By:	
Hazex Construction Co., Mark Bowling, Double A Excavating					 Dawn Winn Leigh Anne Herron 		Brian Williams	

City of Henderson, Kentucky
Invitation to Bid

Bid Reference No. 19-29

SPECIAL CONDITIONS AND TECHNICAL SPECIFICATIONS

The City of Henderson is seeking sealed bids for rental of equipment for general use throughout the City. Prospective bidders are requested to quote hourly rates, including operator, for rental of various classes of track-type dozers, track-type loaders, rubber-tired tractor-scrapers/self-loading, and push-loaded including push tractor, track-type hydraulic excavators, road graders, on-road dump trucks, compactors, farm tractors with disc, and rubber-tired backhoes for use in construction and maintenance projects throughout the City of Henderson.

For the purposes of this bid the term "City of Henderson" or "City" shall also include the Henderson Water Utility (HWU).

Work included as a part of this bid is any construction or maintenance activity in the City of Henderson, as directed by the Public Works Director, and/or HWU Construction Manager.

The City of Henderson reserves the right to receive separate bids, at any time, for any individual project or group of projects.

Bidders may bid on any or all items listed in this Invitation to Bid. Any bidder is welcome to bid on as many different pieces of equipment as he desires. All equipment shall be bid based on the classifications shown on the attached bid form and as described in these specifications. The bid will be awarded on an individual line item basis.

Each bidder must furnish, as a part of his bid, supplemental sheet(s) listing the manufacturer's specifications to verify machine capabilities and performance. Bidders should also indicate the number of pieces for each particular type of equipment available for rental. A supplemental sheet for each bid item is enclosed. Failure to include the requested information, as applicable, for each piece of equipment bid may be justification for rejecting a bid:

1. Age of equipment
2. Operating weight
3. Gross horsepower
4. Net horsepower
5. Blade/bucket type
6. Blade/bucket width
7. Blade/bucket capacity
8. Drive type
9. Bowl struck capacity
10. Bowl heaped capacity
11. Digging depth

SPECIAL CONDITIONS AND TECHNICAL SPECIFICATIONS

Page 2

12. Reach
13. Hauling capacity
14. Manufacturer's model number and designation

The City will not generally have more than one contractor's equipment working on the same project at any one time, due to the potential for conflicts. The City reserves the right to select the equipment, which it deems in the best interest of the City for any particular project.

It is recognized by the City, that when various pieces of equipment, with various capacities and capabilities of both equipment and operators are bid, an individual piece of equipment with the lowest hourly bid may not always be the best price for the City over the full scope of the project or projects. With this in mind, the City may accept more than one bid and if this should happen it reserves the right to evaluate all equipment bid on a project basis to determine which equipment to select.

If equipment is not available from the low bidder within 24 hours, the City, in order to fill its equipment rental needs, shall have the right to select the next lowest bidder. If an emergency exists, the City retains the right to fill its equipment rental needs strictly on the basis of availability.

All determinations of equipment suitability for a project will be made by the Public Works Director, and/or HWU Construction Manager. Where a determination is necessary as to whether one piece of equipment is equal to or better or more suitable for a specific project than a competing bid, this too shall be determined by the Public Works Director, and/or HWU Construction Manager.

The City may, when he deems it to be in the best interest of the City, approve substitution of alternate equipment, at the approved bid price, which is equal/better or more suitable than the originally bid equipment.

All prices quoted shall include delivery to the job site, operator, fuel, insurance, supervision, service, and all incidental items.

Calculation of time invoiced to the City of Henderson shall be based on the time the machine is put in use and end at time use of equipment ends. The City will not be responsible for transportation time to and from place of use, time equipment is out of service for maintenance, or other miscellaneous charges.

The City of Henderson guarantees no minimum or maximum amount of work to be performed during the duration of this contract and will not be liable for any damages or injuries resulting from or in the use of this equipment. The successful bidder(s) shall receive a contract effective upon approval by the Board of Commissioners of the City through July 31, 2020, with the option to extend the contract for two (2) additional twelve (12) month renewal periods upon the same terms and conditions, by written mutual consent

SPECIAL CONDITIONS AND TECHNICAL SPECIFICATIONS

Page 3

of both the City and the bidder. The City shall have the right to terminate the contract by notifying the bidder, in writing, of its intention to cancel, thirty (30) days prior to cancellation.

During the term of the contract and before any part of the services are performed or the goods are delivered, bidder shall, at bidder's sole expense, cause to be issued and maintained not less than the insurance coverages set forth below:

A. Broad Form Comprehensive General Liability, including Products and Completed Operations.

Bodily Injury: \$1,000,000 each occurrence
 \$2,000,000 aggregate

Property Damage: \$1,000,000 each occurrence

B. Automobile Liability, including any auto, hiring autos and non-owned autos.

\$300,000 combined single limit

C. Workers Compensation for all employees used on the job pursuant to statute.

Certificates of insurance, issued by companies authorized to do business in the state of Kentucky, satisfactory in form to the City and signed by the bidder's insurer shall be supplied by bidder to the City evidencing that the above insurance is in force and that not less than thirty (30) calendar days written notice will be given to the City prior to any cancellation or restrictive modification of the policies. Bidder shall replace any cancelled policy within the thirty (30) day notice period so that there is no lapse in coverage at any time during the period covered by this contract.

- End of Section -

MUNICIPAL ORDER _____

MUNICIPAL ORDER AWARDING BID FOR HEAVY EQUIPMENT RENTAL TO
SCHNEIDER FARMS & EXCAVATING, AND A & S SERVICES, INC.

WHEREAS, the City of Henderson has issued invitations to bid for the rental of heavy equipment; and

WHEREAS, bids were submitted to the City pursuant to said invitations, and were publicly opened on July 30, 2019 with Schneider Farms & Excavating, of Henderson, Kentucky, and A&S Services, Inc., of Corydon, Kentucky, submitting the best bids.

WHEREAS, bid item no. 12 and bid item no. 21 resulted in a two way tie between Schneider Farms & Excavating, and A&S Services, Inc., therefore, jobs will alternate between the two for this equipment, which bids the City Manager recommends be accepted; and

WHEREAS, Schneider Farms & Excavating submitted the lowest bids for Items 1-11, 13-16, 18a-20, and 24 and 25 which bids the City Manager recommends be accepted.

WHEREAS, A&S Services, Inc. was low bidder for bid item no. 17, bid item no. 18 and bid item no. 23 which bids the City Manager recommends be accepted.

NOW, THEREFORE, BE IT RESOLVED by the City of Henderson, Kentucky, that the recommendation of the City Manager is approved, and awards are hereby made to Schneider Farms & Excavating, 3449 Smith Staples Road, Henderson, KY 42420; and A & S Services, Inc., P. O. Box 365, Corydon, KY 42406 for the furnishing of heavy equipment rental, in strict accordance with their bids as submitted pursuant to Bid Reference 19-29.

On motion of Commissioner _____, seconded by Commissioner _____, that the foregoing Municipal Order be adopted, the vote was called. On roll call the vote stood:

Commissioner Bugg: _____
Commissioner Royster: _____
Commissioner Staton: _____

Commissioner Vowels: _____
Mayor Austin: _____

**INTRODUCED, PUBLICLY READ AND FINALLY APPROVED ON ONE
READING**, this the _____ day of August, 2019.

Steve Austin, Mayor
Date: _____

ATTEST:

Maree Collins, CKMC, City Clerk

**APPROVED AS TO FORM AND
LEGALITY THIS 6 DAY OF
AUGUST, 2019.**

By:

A handwritten signature in cursive script, appearing to read "Dawn S. Kelsey", written over a horizontal line.

Dawn S. Kelsey
City Attorney

City Commission Memorandum
19-184

August 8, 2019

TO: Mayor Steve Austin and the Board of Commissioners

FROM: William L. "Buzzy" Newman, Jr., City Manager *WLN*

SUBJECT: Flood Mitigation Board Elam Ditch Overflow Project

The accompanying municipal order authorizes the award of a contract for the excavation and construction of a new ditch for the Elam Ditch Cut Thru-Canoe Creek Widening Project to Double A Services of Henderson Kentucky, in the amount of \$596,480.00.

The project will consist of clearing, excavation and related activities required to widen Elam Ditch Cut Thru of Canoe Creek from the Highway 285 bridge, east, for a distance of 6,900 feet. An estimated 61,000 cubic yards of soil will be removed from the project area, in addition to other tasks. Construction is expected to be completed by the end of 2019.

The project was advertised for sealed bids and two bids were received and opened at 10:00 a.m., Tuesday, July 23, 2019 by C. Frank Williams of Ronald Johnson & Associates, P.S.C. The low bid of \$596,480.00, received from Double A Services, included the 5% bid bond and was in compliance with the bid specifications.

The Flood Mitigation Board approved a recommendation to award the bid to Double A Services at a special called meeting on July 31, 2019 based upon submittal of the low bid and satisfactory work completed on a previous section of Canoe Creek. Funding for this project is through the Kentucky Infrastructure Authority grant and there are sufficient funds available. Award of the bid is recommended accordingly.

Your approval of the attached municipal order is requested.

c: Dylan Ward

Henderson – Henderson County Flood Mitigation Board

P.O. Box 716
Henderson, Kentucky 42419-0716

William L. Newman, Jr., Chairman

August 8, 2019

City of Henderson Board of Commissioners
P.O. Box 716
Henderson, KY 42419

Henderson County Fiscal Court
20 N. Main Street
Henderson, KY 42420

RE: Flood Mitigation Board
Elam Ditch Overflow Project
Request to Award

Dear Board of Commissioners and Fiscal Court:

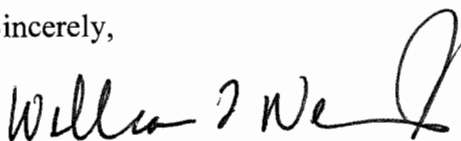
The Flood Mitigation Board approved a recommendation to award the bid for the Elam Ditch Overflow Project at a special called meeting on July 31, 2019.

The purpose of this project is to alleviate flooding conditions of Canoe Creek in and around Countryview Subdivision and Turnagain Drive residential areas. The new ditch will allow stormwater overflow conditions of Elam Ditch to enter Canoe Creek via Sellars Ditch. The easements for the project have been secured and recorded. Construction should be completed by the end of 2019. This will be the last of the engineered projects for Canoe Creek.

Funding for this project is through the Kentucky Infrastructure Authority grant and there are sufficient funds available. The balance of the grant funds will be used for engineering construction inspection, water line replacement on Freetown Road and adjacent ditch cleaning associated with this project.

The Flood Mitigation Board is requesting each respective legislative body's approval of the award of the bid to Double A Services of Henderson, Kentucky, in the amount of \$596,480.00.

Sincerely,

A handwritten signature in black ink, appearing to read "William L. Newman, Jr.", written in a cursive style.

William L. "Buzzy" Newman, Jr.
Chairman, Flood Mitigation Board



24 W Center St | Madisonville, KY 42431 | (270) 821-6392

William Newman, City Mgr.
City of Henderson
PO Box 716
Henderson, KY 42420

RE: Elam Ditch Cut-Thru
Bid Recommendation

Dear Buzzy:

Bids were received on July 23, 2019 at 10:00 am for the Elam Ditch Project referenced above. Two bids were received from Double A Services, and Hazex Construction Company. A bid tab is attached for your reference.

The low bid of \$596,480.00 was received by Double A Services. All submittal documents, including the 5% Bid Bond were in compliance with the bid specifications. As you are award Double A has been a contractor on a previous section of Canoe Creek. Based upon their low bid, previous satisfactory work, and the project coming within the project budget, I recommend that Double A Services bid of \$596,480.00 be accepted.

If you have any questions, please contact me.

Respectively,

C. Frank Williams, PE, PLS
President

CITY OF HENDERSON, KENTUCKY BID TABULATION SHEET BID REFERENCE NO.: Elam Ditch Cut Thru DATE BID OPENED: 07/23/19 APPROVAL DATE: _____ ACCEPTANCE FORM SENT: _____		Double "A" Services Henderson, KY		Hazex Construction Co., Inc Henderson, KY					
		Unit	Total	Unit	Total	Unit	Total	Unit	Total
	Clearing	\$3,000.00	\$45,000.00	\$5,500.00	\$82,500.00				
	Excavation	\$8.00	\$384,000.00	\$18.90	\$907,200.00				
	Seeding	\$2,000.00	\$30,000.00	\$2,805.00	\$42,075.00				
	Erosion Control	\$12,500.00	\$12,500.00	\$81,400.00	\$81,400.00				
	Cates Road Bridge	\$79,980.00	\$79,980.00	\$140,180.54	\$140,181.00				
	Freetown Road Box Culvert	\$45,000.00	\$45,000.00	\$36,929.98	\$36,930.00				
	Total Bid Amount		\$596,480.00		\$1,290,286.00				
Other Bidders Contacted:						Bids Opened & Recorded By:		Bids Reviewed By:	

ADVERTISEMENT FOR BIDS

The City of Henderson, Kentucky will be accepting bids to widen Elam Ditch Cut Thru of Canoe Creek from the Highway 285 Bridge, east, for a distance of 6,900 feet. An estimated 61,000 cubic yards of soil will be removed from the project area, in addition to other tasks. Sealed bids will be received until 10AM, Local Time, Tuesday, July 23, 2019. All bids shall be in a sealed envelope, mailed or delivered to:

Office of Finance
222 First Street, or P.O. Box 716
Henderson, Kentucky 42419.

All bid envelopes shall be clearly marked "Elam Ditch Cut Thru - Canoe Creek Widening Project" in the bottom left corner of the envelope. Each bid must include a 5% bid bond. The bids will be publicly opened and read aloud.

Plans and specifications may be examined at the office of the engineer beginning Tuesday, July 2, 2019, or obtained from the engineer upon payment of a non-refundable price of \$150.00 for each set.

Ronald Johnson & Associates
24 W. Center Street

MUNICIPAL ORDER. _____

MUNICIPAL ORDER AWARDING BID FOR THE ELAM DITCH
OVERFLOW PROJECT TO DOUBLE "A" SERVICES OF
HENDERSON, KY IN THE AMOUNT OF \$596,480.00 FOR THE
HENDERSON-HENDERSON COUNTY FLOOD MITIGATION
BOARD'S ELAM DITCH OVERFLOW PROJECT

WHEREAS, the purpose of the Elam Ditch Overflow Project is to alleviate flooding conditions of Canoe Creek in and around Countryview Subdivision and Turnagain Drive; and

WHEREAS, bids were submitted to the Henderson-Henderson County Flood Mitigation Board pursuant to said invitations, and were publicly opened on July 23, 2019, with Double "A" Services of Henderson, KY, submitting the best bid for the new ditch which will allow stormwater overflow conditions of Elam Ditch to enter Canoe Creek; and

WHEREAS, the Flood Mitigation Board approved a recommendation to award the bid for such project at a special called meeting on July 31, 2019, which project is funded through the Kentucky Infrastructure Authority grant with sufficient funds available; and

WHEREAS, the City Manager recommended that the City approve the bid of Double "A" Services of Henderson, KY for the Elam Ditch Overflow Project.

NOW, THEREFORE, BE IT ORDERED by the City of Henderson, Kentucky, that the recommendation of the City Manager is approved, and award is hereby made to Double "A" Services, 4153 Brisco Benton Rd., Henderson, KY 42420 for the Elam Ditch Overflow Project, in strict accordance with its bid as submitted in the amount of \$596,480.00.

On motion of Commissioner _____, seconded by Commissioner _____, that the foregoing Resolution be adopted, the vote was called. On roll call the vote stood:

Commissioner Bugg: _____
Commissioner Royster: _____
Commissioner Staton: _____

Commissioner Vowels: _____
Mayor Austin: _____


INTRODUCED, PUBLICLY READ AND FINALLY APPROVED
INTRODUCED, PUBLICLY READ AND FINALLY APPROVED ON ONE READING, this
the _____ day of August, 2019.

ATTEST:

Steve Austin, Mayor
Date: _____

Maree Collins, CKMC,
City Clerk

APPROVED AS TO FORM AND
LEGALITY THIS 8 DAY OF
AUGUST, 2019.

By: 
Dawn S. Kelsey
City Attorney

UPCOMING BOARD APPOINTMENTS

<u>BOARD</u>	<u>EXPIRATION DATE</u>	<u>TERM</u>
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BOARD OF OCCUPATIONAL LICENSE APPEALS

	<u>Current Term Expires</u>	<u>Term</u>
--	-----------------------------	-------------

Alternate Member (Vacant-former member moved out of town)		3-Year
-----------------------------------------------------------	--	--------

CODE ENFORCEMENT BOARD

	<u>Current Term Expires</u>	<u>Term</u>
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Ron Burkins	06/30/2019	3-Year
Tim Skinner	06/30/2019	3-Year

HENDERSON - HENDERSON COUNTY HUMAN RIGHTS COMMISSION

	<u>Current Term Expires</u>	<u>Term</u>
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Ann Cabell	06/30/2019	3-Year
Barbara Hester	06/30/2021	3-Year

PARKS AND RECREATION COMMISSION

	<u>Current Term Expires</u>	<u>Term</u>
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Rev. Anthony Anguish	09/14/2019	4-Year
Donna Spencer	09/14/2019	4-Year

MUNICIPAL HOUSING COMMISSION

	<u>Current Term Expires</u>	<u>Term</u>
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Nibby Priest	09/30/2019	4-Year
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