

HENDERSON COUNTY FISCAL COURT—MINUTE & ORDER BOOK

Records of Minutes of Regular Meeting 11/10 2020

Court convened for a Regular Meeting at the Courthouse, Henderson, KY, on Tuesday, November 10, 2020 at 9:30 a.m., County Judge/Executive Brad Schneider presiding. Due to the State of Emergency from COVID-19, per the KY Attorney General Opinion 20-05 public attendance was not permitted. This meeting was broadcast live on Facebook on the Henderson County Government page

Call To Order

County Judge/Executive Brad Schneider called the meeting to order.

Invocation

The invocation was given by Judge Schneider

Pledge of Allegiance

Judge/Executive Brad Schneider led the Pledge of Allegiance.

Roll Call

Magistrate Berry	Present (by video)
Magistrate McCollom	Present (by video)
Magistrate Moran	Present (by video)
Magistrate Puttman	Present (by video)
Magistrate Southard	Present (by video)

Minutes October 27, 2020 Fiscal Court Meeting

Magistrate Puttman made a motion to approve the October 27, 2020 fiscal court minutes as submitted. Magistrate Berry seconded the motion. A voice vote was held. All present voted in favor and the motion carried.

Proclamation – Diabetes Awareness Month

Karen Hill from the Henderson Diabetes Coalition and Merritt Bates-Thomas from the Green River District Health Department presented fact sheets on diabetes in Kentucky. The court clerk read a Proclamation declaring November 14, 2020 as Diabetes Awareness Day in Henderson County and presented it to Ms. Hill.

Public Hearing – CDBG COVID CARES WARM – Jessie Howard - GRADD

Magistrate Puttman made a motion to go into public hearing. Magistrate Berry seconded the motion. A voice vote was held. All voted in favor. Judge Schneider explained that the public would be able to make comments for the hearing using Facebook live. Jessie Howard from GRADD was sworn in and explained there was an opportunity to apply for funding from the Community Development Block Grant CARES Act (CDBG-CV) Recovery Kentucky Program for the purpose of mitigating severe financial distress caused by the COVID-19 pandemic at the Women’s Addiction Recovery Manor. There are requesting up to \$200,000. Judge Schneider asked if anyone from the public had anything to say for or against applying for the grant. He asked for a second time if anyone had anything to say for or against applying for the grant. He asked for the third time if anyone had anything to say for or against applying for the grant. No one responded. Magistrate Puttman made a motion to come out of the public hearing and go back in the regular session. Magistrate Southard seconded the motion. A voice vote was held. All voted in favor.

Resolution - Community Development Block Grant CARES Act (CDBG-CV)

HENDERSON FISCAL COURT
RESOLUTION NO. 20-39

WHEREAS, the Henderson County Fiscal Court wishes to apply for funding from the Community Development Block Grant CARES Act (CDBG-CV) Recovery Kentucky Program for the purpose of mitigating severe financial distress caused by the COVID-19 pandemic at the Women's Addiction Recovery Manor; and

WHEREAS, the Henderson County Fiscal Court endorses said proposed project; and

WHEREAS, the County understands that the Community Development Block Grant CARES Act Program is a federally funded program; and


WHEREAS, the Henderson County Fiscal Court is eligible to apply for assistance through the Community Development Block Grant Recovery Kentucky Program.

NOW, THEREFORE, BE IT RESOLVED by the Henderson County Fiscal Court that the Judge Executive and the Successors-in-Title are hereby authorized to execute and submit an application through the Department for Local Government (DLG) with such assurances and required supporting data as is necessary to apply for funding assistance through the Community Development Block Grant CARES Act Program for the proposed services.

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

Magistrate Berry	<u>AYE</u>	Magistrate Moran	<u>AYE</u>
Magistrate Southard	<u>AYE</u>	Magistrate Puttman	<u>AYE</u>
Magistrate McCollom	<u>AYE</u>		

APPROVED by the Henderson Fiscal Court at its regular meeting on November 10, 2020.


Brad Schneider
County Judge Executive

ATTEST:

Kurt Wiesen
Fiscal Court Clerk

Resolution – EMA/State Annual MOA – Kenny Garrett

Kenny explained that this is the annual Memorandum of Agreement that allows Emergency Management to recoup expenses from available state and federal funds

**Henderson Fiscal Court
Resolution Number 20-40**

RESOLUTION AUTHORIZING COUNTY JUDGE/EXECUTIVE TO EXECUTE MEMORANDUM OF AGREEMENT WITH KENTUCKY DEPARTMENT OF MILITARY AFFAIRS, DIVISION OF EMERGENCY MANAGEMENT REGARDING FEDERAL EMERGENCY MANAGEMENT PERFORMANCE GRANT ("EMPG") ELIGIBILITY

WHEREAS, the 2020 Kentucky EMA Program is funded by the federal Emergency Management Performance Grant ("EMPG"). The Kentucky Division of Emergency Management passes through approximately 50% of the grant funds to participating county programs;

WHEREAS, Counties must also follow all applicable state and federal laws, regulations, policies, and procedures (including 2 CFR 200), Kentucky Revised Statutes (KRS) Chapter 39, and Kentucky Administrative Regulations (KAR) Title 106 Chapter 1;

WHEREAS, the EMPG program provides federal funds to assist state and local governments in preparing for all hazards, as authorized by Section 662 of the Post Katrina Emergency Management Reform Act (6 U.S.C. § 762) and the Robert T. Stafford Disaster Relief and Emergency Assistance Act, as amended (42 U.S.C. §§ 5121 et seq.);

WHEREAS, Kentucky Emergency Management (KYEM), per KRS 39A.050 2(b), has the power, authority, and duty to "coordinate the development, implementation, and maintenance of comprehensive emergency management programs by local emergency management agencies in the cities, counties and urban-county or charter county governments of the Commonwealth to ensure that all such programs, agencies and organizations are organized, administered, and operated as functional components of the integrated emergency management system of the Commonwealth; and

WHEREAS, it is the recommendation of the Henderson County Emergency Management Director that the county execute this agreement in order to be eligible to receive grant EMPG funding from the state;

NOW, THEREFORE, BE IT RESOLVED as follows:

That the Henderson County Fiscal Court hereby authorizes and directs County Judge-Executive Brad Schneider to execute the attached Memorandum of Agreement with the Kentucky Department of Military Affairs, Division of Emergency Management regarding federal Emergency Management Performance Grant ("EMPG") and to execute any and all other necessary and appropriate documents required to effectuate the purchase thereof.

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Further, the Fiscal Court hereby directs the County Judge-Executive and the Henderson County Emergency Management Director to take all necessary steps to apply for a grant through KYEM's for EMPG funds.

On reading of the foregoing Resolution, it was moved by Magistrate Puttman, seconded by Magistrate Berry, that the above Resolution be adopted.

WHEREUPON, the vote was called.

Upon roll call the vote stood:

Magistrate Berry	<u>AYE</u>	Magistrate Moran	<u>AYE</u>
Magistrate Southard	<u>AYE</u>	Magistrate Puttman	<u>AYE</u>
Magistrate McCollom	<u>AYE</u>		

APPROVED by the Henderson Fiscal Court at its regular meeting on November 10, 2020.

ATTEST:


 Kurt Wiesen
 Fiscal Court Clerk


 Brad Schneider
 County Judge-Executive

Ordinance – County Zoning Regulations Revisions – 2nd Reading

COMMONWEALTH OF KENTUCKY
COUNTY OF HENDERSON

ORDINANCE NUMBER 20-04

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ORDINANCE ADOPTING AMENDMENTS TO THE TEXT OF THE PLANNING AND ZONING ORDINANCE, CODIFIED AS APPENDIX A TO THE CODE OF ORDINANCES, PURSUANT TO KRS 100.211 WHICH WOULD AMEND OR ADD SECTIONS RELATING TO THE FOLLOWING TOPICS AND/OR SECTIONS: DEFINITIONS, CONDOMINIUMS, TOWNHOMES, LOT SIZES, USE OF YARDS FOR ACCESSORY BUILDINGS, VARIANCES AND CONDITIONAL USE PERMITS BY PLANNING COMMISSION – LIMITED, GUNSMITHING, NONCONFORMING USES AND STRUCTURES, OFF-STREET PARKING AND LOADING REQUIREMENTS, SIGNS AND OUTDOOR ADVERTISING DISPLAYS, MANUFACTURED HOMES, HIGHWAY COMMERCIAL DISTRICTS, LIGHT INDUSTRIAL DISTRICTS, HEAVY INDUSTRIAL DISTRICTS, AGRICULTURAL DISTRICTS, CREATION OF A RURAL RESIDENTIAL DISTRICT, SCHEDULE OF REGULATIONS, AMENDMENTS TO BOUNDARIES OF FLOOD PRONE AREAS, AND REGULATION OF SHORT TERM RENTAL PROPERTY

WHEREAS, Chapter 100 of the Kentucky Revised Statutes provides for the adoption of zoning text and maps as well as providing for amendments; and

WHEREAS, the County of Henderson and the Henderson City-County Planning Commission having recognized the need for zoning regulations that promote the public health, safety, morals and general welfare of the community, and facilitate orderly and harmonious development and the visual character of the community, by enacting and amending the Henderson County Code of Ordinances Appendix A – Zoning, which is incorporated into said Code; and

WHEREAS, the Henderson Fiscal Court previously generated proposed text pursuant to KRS 100.211 and other applicable law and forwarded said text to the Henderson City-County Planning Commission for hearing; and

WHEREAS, the Henderson City-County Planning Commission conducted a public hearing thereon on October 13, 2020 and the Commission recommended the amended language provided herein; and

WHEREAS, the Henderson Fiscal Court deems it in the best interest of Henderson County to adopt the recommendations of the the Henderson City-County Planning Commission.

NOW, THEREFORE, BE IT ORDAINED and ENACTED by the Fiscal Court of the County of Henderson, of the Commonwealth of Kentucky, as follows:

1. Appendix A – Zoning of the Code of Ordinances of Henderson County, Kentucky is amended as follows:
 - a. Article II: Definitions shall be repealed in its entirety and replaced with the language found on Exhibit 1, which is attached hereto and incorporated herein by reference as if fully set forth herein.
 - b. Article III: Establishment of Zoning Districts shall be repealed in its entirety and replaced with the language found on Exhibit 2, which is attached hereto and incorporated herein by reference as if fully set forth herein.

- c. Article IV: General Provisions shall be repealed in its entirety and replaced with the language found on Exhibit 3, which is attached hereto and incorporated herein by reference as if fully set forth herein.
 - d. Article VII: Amendments shall be repealed in its entirety and replaced with the language found on Exhibit 4, which is attached hereto and incorporated herein by reference as if fully set forth herein.
 - e. Article VIII: Nonconforming Uses and Structures shall be repealed in its entirety and replaced with the language found on Exhibit 5, which is attached hereto and incorporated herein by reference as if fully set forth herein.
 - f. Article IX: Off-Street Parking and Loading Requirements shall be repealed in its entirety and replaced with the language found on Exhibit 6, which is attached hereto and incorporated herein by reference as if fully set forth herein.
 - g. Article X: Signs and Outdoor Advertising Displays shall be repealed in its entirety and replaced with the language found on Exhibit 7, which is attached hereto and incorporated herein by reference as if fully set forth herein.
 - h. Article XI, Section 11.03: Conditional Uses shall be repealed in its entirety and replaced with the language found on Exhibit 8, which is attached hereto and incorporated herein by reference as if fully set forth herein.
 - i. Article XV: R-MH, Mobile/Manufactured Home District shall be repealed in its entirety and replaced with the language found on Exhibit 9, which is attached hereto and incorporated herein by reference as if fully set forth herein.
 - j. Article XIX: H-C, Highway Commercial District shall be repealed in its entirety and replaced with the language found on Exhibit 10, which is attached hereto and incorporated herein by reference as if fully set forth herein.
 - k. Article XX: M 1, Light Industrial District shall be repealed in its entirety and replaced with the language found on Exhibit 11, which is attached hereto and incorporated herein by reference as if fully set forth herein.
 - l. Article XXI: M 2, Heavy Industrial District shall be repealed in its entirety and replaced with the language found on Exhibit 12, which is attached hereto and incorporated herein by reference as if fully set forth herein.
 - m. Article XXII: AG, Agriculture District shall be repealed in its entirety and replaced with the language found on Exhibit 13, which is attached hereto and incorporated herein by reference as if fully set forth herein.
 - n. A new article shall be created entitled RR, Rural Residential District and shall be codified as Article XXIII and shall consist of the language found on Exhibit 14, which is attached hereto and incorporated herein by reference as if fully set forth herein.
 - o. Article XXIV: Flood Prone Areas, Section 24.02: Boundaries shall be repealed in its entirety and replaced with the language found on Exhibit 15, which is attached hereto and incorporated herein by reference as if fully set forth herein.
 - p. Article XXV: Schedule of Regulations shall be repealed in its entirety and replaced with the language found on Exhibit 16, which is attached hereto and incorporated herein by reference as if fully set forth herein.
 - q. A new article shall be added entitled Henderson County Short Term Rental property (STRP) and shall be codified as Article XXXI and shall consist of the language found on Exhibit 17, which is attached hereto and incorporated herein by reference as if fully set forth herein.
2. All or parts of ordinances in conflict herein are repealed to the extent of such conflict.
3. The provisions of this ordinance are severable and, if any provisions or part thereof shall be held invalid or unconstitutional or inapplicable to any person or circumstance, such invalidity, unconstitutionality or inapplicability shall not affect or impair the remaining provisions of this ordinance.
4. This Ordinance shall become effective upon its passage and advertisement according to law.

On first reading of the foregoing Ordinance, it was moved by Magistrate Puttman, seconded by Magistrate Berry, that the Ordinance be adopted on its first reading.

WHEREUPON, the vote was called.

Upon roll call the vote stood:

Magistrate Berry	<u>AYE</u>	Magistrate Puttman	<u>AYE</u>
Magistrate Southard	<u>AYE</u>	Magistrate McCollom	<u>AYE</u>
Magistrate Moran	<u>AYE</u>	Judge Schneider	<u>AYE</u>

WHEREUPON, County Judge-Executive Brad Schneider declared the Ordinance adopted on its first reading and ordered that the same be published in summary form and presented for second reading on November 10, 2020, at the regular meeting of Fiscal Court.

On second reading of the foregoing Ordinance, it was moved by Magistrate Puttman, seconded by Magistrate Southard, that the Ordinance be adopted.

WHEREUPON, the vote was called.

Upon roll call the vote stood:

Magistrate Berry	<u>AYE</u>	Magistrate Puttman	<u>AYE</u>
Magistrate Southard	<u>AYE</u>	Magistrate McCollom	<u>AYE</u>
Magistrate Moran	<u>AYE</u>	Judge Schneider	<u>AYE</u>

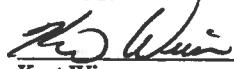
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WHEREUPON, County Judge-Executive Brad Schneider declared the Ordinance adopted on its second reading, affixed his signature and the date thereto and declared that the same be recorded.

APPROVED this the 10th day of November, 2020.

ATTEST:


Kurt Wiesen
Henderson Fiscal Court Clerk


Brad Schneider
Henderson County Judge-Executive

Bid Recommendation Single Axle Dump Truck – Bill Hubiak

Bill stated that he received one sealed bid from VoMac Truck Sales and Service at a price of \$106,169. He also received a price quote of \$108,956 from Worldwide Sales in Lexington, KY who has the Kentucky state contract. Both of these prices are for the chassis only and would be outfitted with a dump body and accessories for \$35,681 from J. Edinger & Son. Total cost from VoMac is \$141,850. Total price from Worldwide Sales is \$144,637. It is his recommended that the truck be purchased from VoMac.

Magistrate McCollom made the motion to purchase the truck from Vomac. Magistrate Puttman seconded the motion. A voice vote was held. All voted in favor and the motion carried.

Sheriff’s Request – Colonel David Crafton

The Sheriff’s Office K-9 handler, Deputy James Eblen has resigned from the office. Their K-9, Aries is now 8 years old and is showing signs that he is ready for retirement. Since Aries would no longer be an asset to the Sheriff’s Office, Sheriff Brady would like the court’s permission to turn the possession and responsibility of Aires over to James Eblen as is customary when a K-9 is retired.

Magistrate Puttman made that motion that James Eblen assume total responsibility for Aires. Magistrate Berry seconded the motion. A voice vote was held. All voted in favor and the motion carried.

County Attorney Report: - Steve Gold

County Attorney Steve Gold reported that although taking numerous precautions and following state red zone guidelines, several staff of the County Attorney’s office have tested positive for Covid-19 and they have closed the office to the public a precaution. He then presented a report of payments dated November 10, 2020.

REPORT OF PAYMENTS FROM HENDERSON COUNTY ATTORNEY

November 10, 2020		
SALARIES, FICA & RETIREMENT	TODAY'S TOTAL	FY TOTAL TO PRESENT DATE
County Budget Employees		11,431.16
FEDERAL LOCAL MATCH - CHILD SUPPORT		
County Budget Employees		
SALARIES, FICA & RETIREMENT		
LIFE INSURANCE		20,603.00
HEALTH INSURANCE		25.26
UTILITIES, INTERNET & CLEANING		2,335.43
DENTAL & LIFE INSURANCE		
CA Budget Employees	457.56	2,367.98
County Budget Employees		29.07
HEALTH INSURANCE		
CA Budget Employees	6,341.00	33,003.00
County Budget Employees		1,550.74
AFLAC		
CA Budget Employees	124.94	624.70
HRA		
CA Budget Employees		
SUPPLEMENT TO ASST CA'S SAL FROM CITY		1,833.32
JAIL FEES COLLECTED	648.31	2,622.41
INTEREST	64.10	1,298.34
	21.37	
FUNDS IN CHECK COLLECTION ACCT FY 19-20		11,500.94
TOTAL REMITTED TO COUNTY	7,657.28	89,225.35

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Magistrate McCollom made a motion to accept the County Attorney's reports into the record. Magistrate Puttman seconded the motion. A voice vote was held. All voted in favor and the motion carried.

Budget Amendment – Brenda Rider – 2nd Reading

Treasurer Brenda Rider presented a budget amendment which has now been signed by DLG for the final reading.

Magistrate McCollom made a motion to approve the budget amendment. Magistrate Butch seconded the motion. A voice vote was held. All voted in favor and the motion was approved.

County Budget Preparation and State Local Finance Officer Policy Manual Page 49

Ordinance # 20-03 Amendment # 1

AN ORDINANCE RELATING TO THE ANNUAL BUDGET AND AMENDMENT THEREOF: Whereas the County of Henderson has realized unbudgeted receipts from General Fund - Unanticipated revenues received for property insurance claims reimbursement, Sheriff General Fund - Unanticipated revenues from CTCL (Center for Technology & Civic Life) Grant, for safe & secure election administration, Clerk Federal Grants Fund - Unanticipated revenues from federal funds CARES Act, through the State Board of Elections to assist with the June 2020 Primary and Nov. 2020 General Elections.

Be it ordained by the Fiscal Court of County of Henderson, Commonwealth of Kentucky:

Section One: The budget for fiscal year 2021 is amended to:

A. Increase Decrease the receipts of the General & Federal Grants fund(s) by \$ 59,701.00 to include unbudgeted receipts from:

Table with 3 columns: Account Code, Description, Amount. Rows include 01-4726, 01-4728, 07-4901, 07-4543 with descriptions like General Fund-Ins Proceeds-Property & Casualty and Federal Grants Fund-COVID19/CARES.

B. Increase/Decrease expenditure account(s):

Table with 3 columns: Account Code, Description, Amount. Rows include 01-5015-340, 01-5065-445, 07-5065-199 with descriptions like Gen. Fund-Vehicle Repair - Sheriff and Federal Grants Funds-COVID 19/CARES.

Section Two: The amounts adjusting the receipt and expenditure accounts in Section One for governmental purposes

Approved by the Fiscal Court of Henderson County, Kentucky, this day, the 13th day of October, 2020.

Signed Brad Schneider County Judge/Executive

Approved as to form and classification this 14th day of October, 2020.

Signed Robert O. Brown State Local Finance Officer

This budget ordinance amendment was duly adopted by the Fiscal Court of Henderson County, Kentucky, this day, the 10 day of November, 2020.

Signed Brad Schneider County Judge/Executive



Return one copy to the State Local Finance Officer within fifteen days of adoption. Budget Amendment FY 21 Number 1

Claims – Brenda Rider

Treasurer Brenda Rider presented the following claims for payment:

- General Fund: \$1,705.42 Dell Marketing (Polling location laptops) \$253,700.00 Old National Wealth (Dec 1st int due for 911 bond) Jail Fund: \$1,519.59 Advanced Document Solution (Copier lease) \$17,051.27 C & T Design & Equipment (60 gal stationary kettle) \$7,300.00 Garage Experts of Evansville (Epoxy coating) \$63,950.00 Harrell-Fish Inc (Hot water storage project (boiler replacement)) \$2,062.24 Kenway Distributors (Cleaning supplies)

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\$1,126.90 Lowes (Misc supplies)
 \$8,826.00 Meuth ReNEWVation (concrete floor prep work)
 \$898.66 Republic Services (Monthly trash service)
 \$952.51 US Bank (Misc. charges, staff training, meetings)

Magistrate McCollom made a motion to accept and approve the claims. Magistrate Berry seconded the motion. A voice vote was held. All voted in favor and the motion was approved.

Judge Schneider stated that the county's CARES Act funding request has been submitted for a total of over \$1.4 million.

Good of the County


Kenny Garrett – They are starting to discuss logistics when a vaccine for COVID becomes available.

Judge Schneider - informed the court that he is going to reappoint Suzanne Cravens to serve on the Green River Area Council on Aging for another 3 year term. Magistrate McCollom made a motion to support the Judge's decision. Magistrate Puttman seconded the motion. All voted in favor and the motion carried.

He also stated that progress is being made in getting cooperation from landowners to get Elam ditch cleaned out. This will hopefully help to resolve flooding issues on Airline Road. He has met with Jason Ward of KYTC to discuss other suggestions to resolve the flooding issues on Airline Road.

A big thankful to Renesa Abner and her staff for the smooth running of the election process here.

There being no further business to come before the court, Magistrate Puttman made a motion to adjourn. Seconded by Magistrate Moran.



 Brad Schneider
 County Judge Executive

ATTEST:



 Kurt Wiesen
 Fiscal Court Clerk

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