City of Henderson, Kentucky  
Board of Commissioners  
Tuesday, January 28, 2020

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

AGENDA

1. Invocation: Dr. Tim Hobbs, Community Baptist Church
2. Roll Call:
3. Recognition of Visitors:
4. Appearance of Citizens:
5. Proclamations:
6. Presentations: Service Award Pin, Joshua Farris-20 Years  
   Service Award Pin, Scott Foreman-20 Years  
   2019 CAFR, Robert Gunter and Mac Neel  
   Year End Review, Donna Stinnett  
   Police Foundation, Heath Cox  
   Vision Plan- Downtown Master Plan, Missy Vanderpool  
   Humane Society Quarterly Report, Debbie Edwards  
   State Tourism Legislative Agenda, Abby Dixon
7. Public Hearings:
8. Consent Agenda:
   Minutes: January 14, 2020, Regular Meeting
   Resolutions: Resolution Authorizing Submission and Acceptance of Highway Safety Grant
   Municipal Orders: Municipal Order Awarding Bid for Mowing of City Cemeteries
9. Ordinances, Municipal Orders and Resolutions:

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

First Readings: Ordinance Amending Code of Ordinances Pertaining to Smoking

             Ordinance Amending Code of Ordinances Regarding Special
             Events and Designated Smoking Areas

Resolutions:

Municipal Orders:

10. Bids & Contracts:

11. Unfinished Business:

12. City Manager’s Report:

13. Commissioner’s Reports:

14. Appointments:

15. Executive Session:

16. Miscellaneous:

17. Adjournment
City Commission Memorandum  
20-08

January 23, 2020

TO: Mayor Steve Austin and the Board of Commissioners

FROM: William L. “Buzzy” Newman, Jr., City Manager

SUBJECT: Presentations

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

I. Presentation of Employee Service Awards
   Joshua Farris, Fire Captain/Instructor/Safety Officer 20 years
   Scott Foreman, Fire Chief 20 years

II. 2019 Comprehensive Annual Financial Report (CAFR)
   Mr. Robert Gunter, Finance Director, and Mr. Mac Neel, CPA, Alexander Thompson Arnold, PLLC, will be in attendance to present the 2019 Comprehensive Annual Financial Report (CAFR)

III. Year End Review
   Ms. Donna Stinnett, Community Relations Manager/PIO, will present Our Year in Review for Fiscal Year ended June 30, 2019.

IV. Police Foundation
   Mr. Heath Cox, Police Chief, will be in attendance to discuss Police Foundation as a supplemental funding mechanism for equipment and training for the department.

V. Vision Plan-Downtown Master Plan
   Ms. Missy Vanderpool, Vision Group Chair, will present the Downtown Master Plan as an appendix to the 2015 Vision Plan.

VI. Humane Society of Henderson County Quarterly Report
   Ms. Debbie Edwards, Executive Director, Humane Society of Henderson County, will be in attendance to present a quarterly report.

VII. State Tourism Legislative Agenda
   Ms. Abby Dixon, Executive Director, Henderson Tourist Commission, will give a brief report on her State Tourism Association’s Legislative Agenda for 2020.
OUR YEAR IN REVIEW

Fiscal Year ended June 30, 2019
‘On the river, but never in it’

Henderson, originally known as “Red Banks” in reference to the soil along the banks of the Ohio River, was first settled in 1797. For those seeking the comforts and connections of a small town, Henderson is a classic river town on the Ohio River where life is framed by nature’s resources so you feel inspired for new ideas.

Henderson is the county seat of Henderson County, Kentucky, and lies on the southern banks of the Ohio River in the western Kentucky coal field region. The City sits on a river bluff more than 70 feet above the Ohio River’s low water mark. Since the 1937 flood when Henderson was the only City on the Ohio River that did not flood, the local slogan has been “On the Ohio, but never in it.” The City of Henderson is nearly 18 square miles and is 400 feet above sea level.

Henderson ranks as Kentucky’s 12th largest city in terms of population. Friendly people and southern hospitality are part of our nature.

Henderson is located 10 miles south of Evansville, Indiana, and is 140 miles north of Nashville, Tennessee, 128 miles southwest of Louisville, Kentucky, and 196 miles southeast of St. Louis, Missouri.

The area is home to diverse industries, attracting major manufacturing and processors in aluminum, coal mining, steel, plastics, and agriculture. Locally produced commodities include aluminum ingot, automotive parts, truck axles and wheels, and poultry products.

We have:
- A public school system with 8 elementary schools, 2 middle schools, 1 high school and 1 early learning (preschool) center. A parochial school for grades preschool-8 that feeds into parochial high schools in both Owensboro, Kentucky, and Evansville, Indiana.
- Henderson Community College (a part of the Kentucky Community and Technical College System) and regional campuses of Murray State University and Lindsey Wilson College.
- John James Audubon Museum with an extensive world-class collection of the artist/naturalist’s art and artifacts.
- More than 60 churches representing many denominations.

Our location in Kentucky

ON THE COVER: (Top) Local students are honored in our annual Arbor Day Celebration, which includes a coloring contest. Our City has been named a Tree City USA for 24 consecutive years. (Middle) Fire Department personnel working on their training goals. HFD staff completed 12,612 hours of training in 218. (Bottom) Maintenance work on one of our 1,182 hydrants.
Board of Commissioners

The City, incorporated as a town in 1810 and as a City in 1867, has operated under the city manager form of government since 1966. The Henderson Board of Commissioners consists of a mayor and four commissioners elected by the citizens on a non-partisan ballot. The mayor is elected for a term of four years, while the commissioners are elected for a term of two years. The mayor and commissioners have equal voting power.

The Commission sets policies that govern the city. It appoints advisory groups that assist in the decision making process. The city manager is appointed by the Commission and is responsible for the day-to-day operations of the city. The department managers responsible for their various departments report to the city manager.

Clockwise from lower left: 2019 Board of Commissioners — Commissioner Brad Staton (two terms), Commissioner Patti Bugg (two terms), Commissioner XR Royster (one term), Commissioner Austin Vowels (two terms), and Mayor Steve Austin (three terms).

Introduction to Our Year In Review

The City of Henderson’s Department Heads and divisional leaders were asked to outline their Top 5 accomplishments for the Fiscal Year that ended June 30, 2019. Some projects were launched in FY2019 but were still ongoing in the new Fiscal Year that started July 1, 2019, so they were included for the record. It is important to note that many projects required collaboration across departments and could be listed by more than one City Department. See their accomplishments list on Page 4-8.

Awards and Acknowledgements

The Government Finance Officers Association of the United States and Canada (GFOA) awarded a Certificate of Achievement for Excellence in Financial Reporting to the City of Henderson for its comprehensive annual financial report (CAFR) for the fiscal year ended June 30, 2018. This was the 20th consecutive year that the government has achieved this prestigious award. In order to be awarded a Certificate of Achievement, the government had to publish an easily readable and efficiently organized CAFR that satisfied both generally accepted accounting principles and applicable program requirements.

The City of Henderson also received the GFOA’s Distinguished Budget Presentation Award for its annual budget document beginning July 1, 2019, and ending June 30, 2020. This was the 11th consecutive year that the government has achieved this prestigious award. To qualify for the Distinguished Budget Presentation Award, the government’s budget document had to be judged proficient as a policy document, a financial plan, an operations guide, and a communications device.

For the second year, the City of Henderson received the Popular Annual Financial Reporting Award for its June 30, 2018, presentation. Henderson is one of only three cities in Kentucky to be awarded all three awards for the most recent year.

Community awards

— The Perch, a new “pocket park” in downtown, is honored by the Kentucky Chapter of American Public Works Association in 2019. Also in 2019 it wins Excellence in Commercial Design at Downtown Henderson Partnership’s 25th annual Award Breakfast. It was honored by Kentucky Recreation and Parks Society for community collaboration in 2018.

— Housing Authority of Henderson is named an Envision Center by the U.S. Housing and Urban Development.

— W.C. Handy Blues & Barbecue Festival named Kentucky’s “Best Festival” by Kentucky Living Magazine for fourth consecutive year. The community received 9 other awards in the “Best of Kentucky” poll.

— Our three major music festivals listed on Southeast Tourism Society’s Top 20 Events.

— Tourist Commission staff won three Traverse Awards at Kentucky Travel Industry Association annual conference.

— Ty Rideout named 2018 Volunteer of the Year by Green River Area Development District.

— Mayor Steve Austin named 2018 Elected Official of the Year by Kentucky League of Cities.

— City of Henderson named 2017 Community of the Year by Green River Area Development District (GRADD.)
Capital Expenditures, Major Projects

Major projects in the next fiscal year will be the completion of the riverfront improvements, Wathen Lane Road and Wathen Lane Bridge. A number of other capital projects and initiatives are also included in this year’s General Fund operating budget which will serve to enhance the City’s ability to operate effectively, as well as, serve the citizens responsibly.

Some highlights of things to come in Fiscal Year 2020:

Public Safety
- New Fire Department pumper truck.
- Three pursuit vehicles for Police Department.
- One new replacement ambulance.

Technology
- Nineteen personal computers are proposed for replacement. Included in the nineteen are three laptops and two rugged computers. This will continue the program of replacing older, slower computers with newer computers.
- Replacement of the email service to stay in compliance with KRS 61.931.

Public Works
- Repaving 27 different sections of streets.
- Design work for Green River Road sidewalks.
- Design work for Wathen Lane road improvements.
- Replacing Wathen Lane bridge.
- Updating the Gathering Place bathrooms.
- North Elm Street improvements.
- Solid waste and recycling tonnage issues

In addition to the above capital items and initiatives, a total of four vehicles and pieces of heavy equipment are scheduled to be purchased, including:
- One sanitation rear compacting truck; one pickup truck for Henderson Municipal Gas; one bus for Henderson Area Rapid Transit; and one pickup truck for Henderson Area Rapid Transit.

Quick Fact

The City of Henderson has 119 miles of streets and 110 miles of sidewalks to maintain.

A new engine truck was purchased for the Henderson Fire Department after the truck that was serving in this capacity was declared a complete loss in a traffic accident that occurred while it was responding to an emergency call.
Our Top Fiscal Year 2019 projects

BOARD OF COMMISSIONERS/CITY MANAGER
— Hired a new Chief of Police (Heath Cox).
— Planning for the creation of a new 911 department and hiring a director.
— Purchased property and entered into agreement that created Bridges Golf Course of Henderson.
— Mayor Steve Austin received Elected Official of the Year from Kentucky League of Cities.
— Completed and dedicated the City’s first “pocket park,” dubbed The Perch, located in the 200 block of Second Street; project that included the first public mural was a collaboration with several community organizations and individuals.
— Transferred two City-Owned Letcher Street lots to Habitat for Humanity of Henderson for a small housing redevelopment project across from East End Park.
— Completed a project getting brown attractions signs installed at Zion Road interchange.
— Became 11th Kentucky City to adopt a “Fairness Ordinance.”
— Approved a needle exchange program proposed by the Green River District Health Department.
— Approved an agreement with Kentucky Transportation Cabinet for the Wathen Lane Bridge Replacement Project and upgrade of Wathen Lane.
— Redefined and expanded areas in downtown where a special event with alcohol can take place.
— Collaborative efforts with community partners.

CITY ATTORNEY
— Launched proceedings for a mass foreclosure.
— Institution of payment for Open Records requests.
— Support for Kentucky League of Cities initiatives.

PUBLIC INFORMATION OFFICE
— Published weekly newsletters for City employees; completed design and planning for bimonthly community newsletter “42420.”
— Planning for staff retreat; writing and design for strategic plan as a result of retreat.
— Collaboration with community partners on Downtown Master Plan and Vision Plan.
— Maintaining and improving participation in Community Calendar Hub.

CITY CLERK
— Multi-year document-scanning project (more than 30 boxes) to digitize records from City Manager, Assistant City Manager and City Clerk divisions.
— Recycling of captured records as well as old agenda packets from the 1990s.

HUMAN RESOURCES
— Evaluation of the effectiveness of the near-site clinic.
— Revised recruitment/hiring process to fill police officer positions. Partnered with Police Department to implement lateral police hiring process.
— Absorption of part of Henderson Water Utility safety/training coordinator duties.
— Completed the annual benefits open-enrollment process.

PERSONNEL By Department

ADMINISTRATION
— City Manager
— Administrative Liaison
— Community Relations Manager/Public Information Officer
— Senior Secretary (Part Time)
— City Clerk
— City Attorney
— Legal Secretary
— Human Resources Director
— Human Resources Specialist
— Benefits Coordinator (2)
— Human Resources Generalist
— Safety & Training Coordinator
— Code Administrator
— Code Inspector
— Property Maintenance Inspector
— Community Development Specialist
— Secretary
— Special Projects Manager
— Administrative Secretary
— Engineer
— Seasonal Engineering Intern

FINANCE
— Finance Director
— Administrative Secretary
— Administrative Clerk
— Assistant Finance Director
— Occupational License Tax Administrator
— Occupational License Tax Representative (Part Time)
— Payables Account Technician Senior (1.25)
— Accounting Manager
— Utility Billing Supervisor
— Account Technician (2)
— Utilities Servicer (3)
— Meter Reader (4)
— Revenue Supervisor
— Receivables Account Technician (1)
— Account Representative (5)
— Account Representative Part-Time (2)
— Office Assistant/Switchboard
Our Top Fiscal Year 2019 projects

CODE ENFORCEMENT

-- Alley Clean-up Initiative targeting six-eight problem alleys that are always dumping grounds for the public.
-- Positive strides in transforming office to a customer-oriented department in regard to response time and openness in working with the community on permits, plan reviews, inspection timeliness and answering technical building and zoning questions in an easily understood way.
-- Removed 10 blighted, abandoned or dilapidated properties.
-- Utilizing in building development chain (project concept to early planning/zoning, plan reviews, permitting, building inspections, certificate of occupancy) to be economic development advocates and ambassadors for our community. One result: $7.5-million, three-story affordable senior housing project on previous site of Audubon School.

SPECIAL PROJECTS OFFICE

-- Construction of wash bay at Municipal Service Center.
-- Boardwalk project overlooking Sunset Park to connect the Water Street sidewalks.
-- New sidewalk on South Main Street.
-- Planning for Wathen Lane widening project.
-- Planning for Wathen Lane bridge replacement.
-- Green River Road sidewalks.
-- Two blocks of concrete street repairs on North Elm Street.

-- Oversight at Bridge Golf Course of Henderson rehabilitation.
-- Construction of detention basin in Lakeland neighborhood funded by FEMA.
-- Joint City-County planning for Ohio Drive widening project.
-- Coordination of The Perch and “Discover Your Nature” mural project.

FINANCE

-- Transitioned to new utility billing software that offers more information to customers.
-- Received the Certificate of Achievement for Excellence in Financial Reporting from the Governmental Finance Officers Association for the 20th consecutive year.
-- Received the Distinguished Budget Presentation Award from the GFOA for the 10th consecutive year.
-- Increased the number of utility customers using Automated Clearing House (ACH) from 2,154 in June 2018 to 2,319 in June 2019, an increase of 165 (7.7 percent).
-- Increased the number of utility customers receiving an email instead of a paper bill from 126 in June 2018 to 194 in June 2019, an increase of 68 (53.7 percent).
Our Top Fiscal Year 2019 projects

FIRE DEPARTMENT
--“Stop the Bleed” kits for educational classrooms (365); personnel became certified to teach the “Stop the Bleed” curriculum.
—Acquired truck-mounted mobile computer terminals for each frontline apparatus, allowing crews to log times on the CAD program as well as providing ability to search for information pertaining to emergency calls.
—Improved Alert Report Management System.
—Replacement of wrecked apparatus with a new state of the art Seagrave Fire Engine. (See photo on Page 4).
—Formation of Honor Guard to give proper respect to the fallen and to celebrate events.
—Trained personnel and implemented Yoga for First Responders.
—Acquired $51,000 grant for training ground improvements.

POLICE DEPARTMENT
—Reduction in reported crime by 12 percent (goal was 5 percent).
—Created a lateral officer program.
—Created a new supervisor training program
—Revamped communication officer training manual
—Created a recruitment and retention plan
—in the works: retired officer program, officer wellness program, Angel program.

PUBLIC WORKS
—Spring cleanup program collected more than 300 tons of debris in more than 100 loads.
—Leaf pickup program operated from the first of November through the end of January.
—Watson Lane ditch rehabilitation project from Wildwood Creek to Stonegate.
—Fine-tuning of slope behind Peabody Building after Kentucky Transportation Cabinet completed its work to clear the slope (10 days of work involving six workers).
—Riverfront cleanup: Removed silt both ramps and the middle; rehabbed the rest of the riverfront riprap where high water had eroded it. (10 days of work involving six workers.)

PERSONNEL By Department

911 COMMUNICATIONS
—911 Communications Director
911 Communications Supervisor
Lead Communications Officer (2)
Communications Officer (12)
On-Call Communications Officer (4)

FIRE DEPARTMENT
—Fire Chief
Administrative Secretary
Secretary
Assistant Chief (3)
Captain Fire Inspector
Captain Training & Safety
Lieutenant (12)
Fire Driver-Engineer (18)
Firefighter (24)

PUBLIC WORKS
—Public Works Director
—Traffic Control/Public Way Improvement
Street Superintendent
Senior Secretary
Traffic Control Supervisor
Equipment Operator Senior (2)
Crew Worker Senior (4)
Crew Worker (6)
Heavy Equipment Operator Senior
Heavy Equipment Operator (2)
—Sanitation Collection/Disposal
Superintendent
Equipment Operator (4)
Sanitation Worker Senior (2)
Sanitation Worker (7)
Seasonal Sanitation Worker (3)
Solid Waste Scale Operator/Landfill Scale Operator
Landfill Heavy Equipment Operator
—Central Garage Superintendent
Account Clerk
Vehicle Mechanic (4)
Vehicle Servicer
Vehicle Servicer Helper
Municipal Facilities Superintendent
Municipal Facilities Worker Senior (3)
Municipal Facilities Worker
Municipal Facilities Assistant
Our Top Fiscal Year 2019 projects

PARKS & RECREATION
--Management of more than 50 volunteer organizations, six sponsoring organizations and nearly 2,000 participants and four city departments for the East End Halloween Extravaganza.
—Completion of East End Park with the construction of the shelter funded by two local civic organizations (Partnership of Women! and Henderson Rotary Club).
—Hosting the American Drug Free Powerlifting Association Competition at the John F. Kennedy Community Center with more than 100 participants from multiple countries in the North America and Europe.
—Renovation of Community Park restrooms; completion in May 2019.

INFORMATION TECHNOLOGY
--Managed Tyler New World Utility Management Release for: Custom Reports Website, Consumption Reports, Major Data Fix.
—Reduced telephone bill. Major AT&T was reduced from $4,200 per month to $1,600 per month for a cost savings of $32,100 per year.
—Avaya phone system connected to Henderson Water Utility for four-digit dialing.
—Added SAN (Storage Area Network) to 911 datacenter.
—City website improvements (recycling, public newsletter, Police Department and Parks & Recreation.)

GAS SYSTEM
--Ohio Drive project work, including intermediate system conversion and high-pressure PA12 installation (first PA12 application in the nation since new rule).
—Director Owen Reeves completes APGA chairmanship.
—Successful Public Service Commission of Kentucky inspection with no deficiencies.
—Adams Lane 175 PSIG high-pressure six-inch steel exposure remediation.
—North Main Street replacement project via horizontal directional drilling with lateral locating.
—Regulator station work at new addition for Henderson County Public Library (new) and Audubon Mill Park (retired).
—Holloway Lane and Rucker Road No. 1 main extension (one mile).
—Two-year safety record.
—Merritt Drive main extension and first cut regulator removal reducing pressure in mains that serve customers in this area.
General Financial Information

• Primary Government liabilities exceeded assets by $10.6 million at the close of fiscal 2018. Due to pension obligations, the unrestricted net position is a negative $34 million.

• City governmental funds reported combined ending fund balances of $42.2 million. Of this total, $6.9 million is unassigned.

• In the City’s business-type activities, income from operations decreased from $1,692,796 in fiscal 2018 to $1,297,766 in fiscal 2019.

• The City’s General Fund ended the year with a fund balance of $8,975,382, a decrease of $1,227,354, or 12 percent, from fiscal year 2018’s balance of $10,202,736.

• In the past five years, the General Fund’s fund balance has increased 18.4 percent from $7.6 million in 2012 to $9 million in 2019.

*EDITOR’S NOTE: Information in this report is drawn from the Comprehensive Annual Financial Report (CAFR) and conforms to generally accepted account principles (GAAP).

Quick Fact

Henderson has been the home of four Kentucky governors and two lieutenant governors, the artist/naturalist John James Audubon, “Father of the Blues” W.C. Handy and an originator of Mother’s Day, Mary Towles Sasseen Wilson.

Quick Fact

Henderson County Public Library, built in 1904 with assistance from philanthropist Andrew Carnegie, is undergoing an 18,000-square-foot, $8.4 million expansion that is scheduled to be completed in 2020. The expansion will add new space for the library’s collections of various media and will include new community meeting spaces.
General Fund Components

Unassigned Fund Balance
The unassigned fund balance classification is the residual classification for the General Fund. This classification represents spendable fund balance that has not been restricted, committed, or assigned to specific purposes within the General Fund.

Assigned Fund Balance
The assigned fund balance classification includes amounts constrained by the City’s intent to be used for specific purposes, but are neither restricted nor committed. Intent is expressed by either the Board of Commissioners or the City Manager or any other body or official which they have delegated the authority to assign amounts to be used for a specific purpose.

Committed Fund Balance
The committed fund balance classification includes amounts that can only be used for specific purposes pursuant to constraints imposed by formal action of the City’s highest level of decision making authority, which would be ordinances or resolutions passed by the Board of Commissioners of the City. Those committed amounts cannot be used for any other purpose unless the Board of Commissioners changes the commitments by ordinance or resolution.

Non-spendable Fund Balance
The non-spendable fund balance classification includes amounts that cannot be spent because they are either 1) not in spendable form, or 2) legally or contractually required to be maintained intact. The non-spendable fund balance of the City consists of amounts not in spendable form such as inventories.

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Long-Term Debt
At the end of the current fiscal year, the City of Henderson had total bonded debt outstanding of $47,920,000 and general obligation contract of $240,519. All of the $48,160,519 is backed by the full faith and credit of the City.

Bond Rating
Due to strong fiscal management, stable financial position, strong reserves, healthy liquidity and stable tax base, the City of Henderson received a credit rating of Aa3 from Moody’s Investor Service on its 2017 general obligation bonds.

Growth in the City
Real estate assessments have increased 14.8 percent or $155.6 million from $1,051.7 million at the start of fiscal 2010 to $1,207.3 million at the end of fiscal 2019. This equates to a 1.4 percent annual increase.

Bank Deposits
Over the same 10-year period, bank deposits have increased 34.4 percent, or $163,904.
Economic Factors, Trends, & Next Year’s Budget

The City of Henderson was able to fund the fiscal 2020 Budget by using reserves from the General, Gas and Sanitation Funds. Modest growth in property and insurance premium tax receipts and holding increases in operating expenses to a minimum will enable the City to continue to meet its needs.
— Effective Jan. 1, 2020, the Board of Commissioners increased occupational tax rate from 1.0 percent to 1.49 percent for net profits and from 1.29 percent to 1.49 percent on payroll. The increase in rates should result in additional revenue increase of $710,000 in fiscal 2020 and $1.4 million in fiscal 2021.
— For fiscal 2019, there were 236 construction permits issued with a total value of $18,791,877. There were 14 single family units, 11 duplexes (22 units), and two multifamily (10 units) for a total of 46 units approved. The total value for new housing was $4,753,776.
— There were six new commercial developments with a total value of $8,681,000. There were 34 permits issued for demolition of substandard residential structures.
— The unemployment rate for the City of Henderson in June 2019 was approximately 4.4 percent, which was slightly higher than the national rate of 3.7 percent and the Kentucky rate of 4.1 percent.
— The 12 months from July 1, 2018, to June 30, 2019, were some of the most challenging months for the City of Henderson. However, the staff, by working with the Board of Commissioners to make some difficult decisions as far as staffing, revenue and operations, believes the City is primed and prepared for the future.

Capital Assets

The City of Henderson’s investment in capital assets for its governmental and business-type activities as of June 30, 2019, amounts to $37,312,859 (net of accumulated depreciation). This investment in capital assets includes land, buildings, machinery and equipment, gas system improvements, park facilities, vehicles, sculptures, and infrastructure.
The total increase in capital assets for the current fiscal year was approximately 3.8 percent.

Major capital asset events during the current fiscal year included the following:
• Nearly $1 million for the purchase of Bridges of Henderson Golf Course.
• More than $568,000 on vehicles including four police pursuit cruisers and four buses.
• $55,294 for two new severe weather sirens.
• Another $564,000 on new radio equipment.
• Nearly $159,000 for utility improvements at the Borax Drive Industrial Park.
• $244,139 was spent on new sidewalks and bridges.
• $59,042 was spent on a new trencher with backhoe attachment for the Gas Fund.

Quick Fact

During the 2015 fiscal year, the City purchased 124 acres at the end of Borax Drive with federal highway and transportation grant funds. It will be used for economic development. There is $166,000 in additional funds in fiscal 2020 to complete infrastructure improvements that include roads and utilities.
Teamwork:
City-County Joint Ventures
- Flood Mitigation Board oversees funds dedicated to addressing flooding problems in the community.
- A new festival to honor traditions of Hispanic citizens: Dia De Los Muertos.
- Solid waste disposal issues and options reviewed by City-County Cooperative Study Team.
- Emergency Dispatch Operations in the 911 Center.
- A combined City-County Tourism Commission.
- A reorganized and combined Human Rights Commission.
- Emergency Medical Services (EMS) needs of the community.
- City park in Henderson’s East End, which added a student-created mural in 2017 and a small shelter funded by community grants in 2018.

Request for Information
Questions or requests for additional financial information may be sent to Robert Gunter, Finance Director, City of Henderson, 222 First St., P.O. Box 716, Henderson, KY 42419-0716 or visit our website at www.CityOfHendersonKY.org.

Henderson By The Numbers

| 28,832 | 1810 | 1904 |
| Population of Henderson | Incorporated as a Town | Public Library Built |

| 25 | Jan. 31, 1937 |
| Parks & Public Spaces | River crested at 53.9 feet, 19 feet above flood stage (but the City of Henderson was high and dry) |

| $43,458 | 10,200 |
| Family Medium Income | Weekly Residential Sanitation Pickups |

| 5,526 | 21,200 |
| Central Park Memorial Day cross display started with 34 tributes in 1947. In 2019 there were 5,526. | Christmas bulbs to maintain. |

| 15 | Aug. 15, 1896 |
| Sculptures based in John James Audubon paintings plus one sculpture of the artist himself. Thirteen of the sculptures have “hidden objects.” | First electric streetlights lit. Henderson was the first city in western Kentucky to own its own power generating plant. |

| 15 | 119,258 |
| Top Local Employers | Total ridership on Henderson Area Rapid Transit in FY 2019 |

| Tyson Foods | 1,500 |
| Henderson County Schools | 1,114 |
| Methodist Hospital | 986 |
| Gibbs Die Casting | 837 |
| Century Aluminum | 499 |
| City of Henderson (including HWU) | 470 |
| Big Rivers | 465 |
| Pittsburg Tank & Tower Co. | 380 |
| Brenntag Mid-South | 305 |
| Audubon Metals | 273 |
| Dana | 249 |
| Accuride Corp. | 150 |
| Azteca Milling | 122 |
| Sitex Corp. | 120 |
| Henderson Community College | 114 |

| 1 | 86.01 percent |
| Gravel street (Van Wyck Road) | Of 911 calls, 28,322 (or 86.01 percent) came from mobile phones. Only 4,605 came from landlines. |

| 1,182 | Number of fire hydrants in the City of Henderson. Hydrant tops are painted in colors to indicate the flow capacity in gallons per minute. |
Hello and thank you for this opportunity to update you about you on Animal Control and the Humane Society.

Has everyone had a chance to review the Animal Control financials? Are there any questions?

The Humane Society has combined forces with other local animal rescues such as Pay it Forward and New Hope for a few fundraisers and it has been a pleasure to work together as a united team to better the animals in our community.

The Humane Society has made the executive decision to eliminate the Shelter Manager position, effective December 30, 2019. It was determined necessary to maintain fiscal responsibility and efficiency in the shelter.

We finally were able to find and purchase a new transport van and we are still searching for a newer Animal Control truck. We hope to find one soon!

We received a grant to help with new epoxy paint for our dog kennel flooring and this was actually started on January 7, 2020. This will make the cleaning and disinfecting much more effective and disease resistant as well as visually more appealing.

We would love to extend an open invitation to the city and county to come in and visit our facility to see the vast improvements continually being made.

We have had several big adoption events to help with our overcrowding issues and it has been very successful. We highly encourage everyone to please be responsible pet owners and spay and neuter your pets. As a reminder, there is a leash law in Henderson County. Please keep your animals contained to prevent an Animal Control pick up, reclaim fee or worse.

In October, we announced that we would begin charging a $25 owner surrender fee. To date, we have not seen an increase in strays and the majority of people surrendering their animals are eager to donate the small fee to help care for their animal.
Dog intake numbers are on attached spreadsheets for the 2019 calendar year.

**4th quarter Animal Control calls**

Total of 187 calls.
85 of these being after hour 911 dispatch calls.

**4th quarterly intake numbers**

**Intake of 254 cats.**
Owner surrender - 25
Strays - 108
Adopted - 48

Lastly, please come to the Shelter to get your City/County tags for your dogs.
It requires proof of current rabies vaccination from the veterinarian.
According to State Law, dogs, cats and ferrets are required to have yearly rabies vaccination.
City/County tags are currently $2.00 plus tax and we hope to revisit this soon to make these more easily accessible throughout local veterinarians as well as at the Humane Society.

Thank you,
Debbie Edwards
dedwards@hshcky.org
Operations Manager
Humane Society of Henderson County
January 23, 2020

TO: Mayor Steve Austin and the Board of Commissioners

FROM: William L. “Buzzy” Newman, Jr., City Manager

SUBJECT: Consent Agenda

The Consent Agenda for the meeting of January 28, 2020 contains the following:

Minutes: January 14, 2020, Regular Meeting

Resolutions: Resolution Authorizing the Submission of Grant Application to Transportation Cabinet, Kentucky Office of Highway Safety, in the Amount of $28,600.00 for the Police Department, and Acceptance of Grant if Awarded

Municipal Orders: Municipal Order Awarding Bid for Mowing of City Cemeteries to Knight’s Landscaping, LLC of Henderson, Kentucky
A meeting of the Board of Commissioners of the City of Henderson, Kentucky, was held on Tuesday, January 14, 2020, 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 Britney Smith, Executive Director, Habitat for Humanity, followed by 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, Public Information Officer
Mr. Heath Cox, Police Chief
Mr. Ray Nix, Code Administrator
Mrs. Theresa Richey, Administrative Liaison
Mr. Kevin Knight, City Commission Candidate
Ms. Velvet Dowdy, City Commission Candidate
Ms. Whitney Risley, Henderson Economic Development
Mr. Bryant Woodard, Henderson City/County Rescue Squad
Reverend Charles Johnson, Henderson City-County Human Rights Commission Director
Mr. Chris Butler
Ms. Britney Smith, Executive Director, Habitat for Humanity
Ms. Leslie Blanford, Police Officer
Mr. Doug White, the Gleaner

APPROVAL OF CONSENT AGENDA:

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

Minutes:
December 10, 2019, Regular Meeting
December 13, 2019, Called Meeting

Resolutions:
01-20: Resolution Approving Agreement Between the Henderson City/County Rescue Squad, the City of Henderson, the County of Henderson, and Henderson Emergency Management

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

WHEREUPON, Mayor Austin declared the consent agenda items approved.

/s/ Steve Austin

Steve Austin, Mayor
Record of Minutes of A Regular Meeting on January 14, 2020

the date thereto, and ordered that the same be recorded.

/s/ Steve Austin
Steve Austin, Mayor
January 14, 2020

MUNICIPAL ORDER NO. 01-20:
MUNICIPAL ORDER ACCEPTING MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF HENDERSON AND HENDERSON COUNTY BOARD OF EDUCATION; AND AUTHORIZING THE MAYOR TO EXECUTE ON BEHALF OF THE CITY

MOTION by Commissioner Royster, seconded by Commissioner Vowels, to adopt the municipal order accepting a Memorandum of Understanding with the Henderson County Board of Education relating to School Resource Officers.

MAYOR AUSTIN, explained that this was a restating of a previous agreement between the City and the School Board for placement of School Resource Officers.

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

Commissioner Staton ---- Aye:
Commissioner Vowels --- Aye:
Commissioner Buggs ---- Aye:
Commissioner Royster -- 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
January 14, 2020

CITY MANAGER'S REPORT:

WILLIAM L. "BUZZY" NEWMAN, JR., City Manager, reminded everyone of the regular work sessions scheduled for next Tuesday, January 21st with the topics of Sanitation Operations and Smoking, and Tuesday, February 18th that would include a discussion with the financial auditor. He also stated that the February 11th meeting would be cancelled due to a conflict with the Kentucky League of Cities City Day/City Night meetings.

CITY ATTORNEY'S REPORT:

DAWN KELSEY, City Attorney, reported that the next four mass foreclosure properties will go to the Master Commissioner for sale on Wednesday, January 29th. Those properties are 1409 and 1411 O'Byrne Street and 1032 and 1038 First Street. A press release will go out to raise awareness of the property sale.

COMMISSIONERS' REPORT:

COMMISSIONER STATON thanked Ms. Risley and the Kyndle staff for all their hard work in submitting and getting approvals for the Product Development Initiative grant along with the CSX designation for the property located on the 425 Bypass. He indicated that the presentation that was done at the community college for this process was extremely impressive and wanted to pass along his congratulations.
January 24, 2020

TO: Mayor Steve Austin and the Board of Commissioners
FROM: William L. "Buzzy" Newman, Jr., City Manager
SUBJECT: Highway Safety Grant Application

The accompanying resolution authorizes submission of a grant application to the Transportation Cabinet, Kentucky Office of Highway Safety in the amount of $28,600.00 for the Police Department and authorizes the Mayor to execute the agreement on the City's behalf.

If awarded, $26,000.00 will be utilized to pay overtime costs for additional traffic enforcement activities in high traffic accident areas. The remaining $2,600.00 will be used for fuel reimbursement. This grant has no requirement for matching funds.

Your approval of the attached municipal order is requested.

c: Heath Cox
   Robert Gunter
   Dawn Winn
January 23, 2020

TO:       Buzzy Newman  
           City Manager

FROM:     Heath A. Cox  
           Chief of Police

SUBJECT:  Highway Safety 2020-2021 Fiscal Year Grant Application

I am requesting commission approval for application of a Federal Highway Safety Grant for the 2020-2021 fiscal year in the amount of $28,600. Application deadline is close of business on February 7, 2020.

Law enforcement agencies may use grant funds for a variety of highway safety needs, including equipment and fuel costs. If awarded, $26,000 will be utilized to pay overtime costs for additional traffic enforcement activities in high traffic accident areas. The remaining $2,600 would be utilized for fuel reimbursement. There is no required match for this grant.

Please advise if I may provide any additional information.

Heath A. Cox  
Chief of Police

HAC/wds
RESOLUTION NO. ________

RESOLUTION AUTHORIZING THE SUBMISSION OF GRANT APPLICATION TO TRANSPORTATION CABINET, KENTUCKY OFFICE OF HIGHWAY SAFETY, IN THE AMOUNT OF $28,600.00 FOR THE POLICE DEPARTMENT, AND ACCEPTANCE OF GRANT IF AWARDED

WHEREAS, the Transportation Cabinet, Kentucky Office of Highway Safety, offers grants to local law enforcement agencies for a variety of highway safety needs, including equipment and overtime costs; and

WHEREAS, the City desires to apply for grant funds for use by the police department for such purposes, and the City Manager recommends that a grant application be made.

NOW, THEREFORE, BE IT RESOLVED by the City of Henderson, Kentucky, that the recommendation of the City Manager is accepted, and that submittal of a grant application through the Transportation Cabinet, Kentucky Office of Highway Safety, in the amount of $28,600.00, is hereby approved; and

BE IT FURTHER RESOLVED, that the City accepts the grant should it be awarded, and authorizes the Mayor to execute all documents necessary to effectuate the application and acceptance of the grant.

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

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

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 __ DAY OF JANUARY, 2020.

By: Dawn S. Kelsey
City Attorney
City Commission Memorandum
20-12

January 24, 2020

TO: Mayor Steve Austin and the Board of Commissioners
FROM: William L. "Buzzy" Newman, Jr., City Manager
SUBJECT: Cemetery Mowing Contract

The accompanying municipal order authorizes the award of bid for mowing and trimming services for City cemeteries to Knight’s Landscaping, LLC of Henderson, Kentucky in accordance with their low bid of $122,475.00.

The major part of the work is expected to commence approximately April 1 and continue through November 1, although weather will dictate the full-extent of the mowing season. Each cemetery is priced on a unit basis per property to be mowed which serves as the basis of compensation during the term of the agreement.

Included in the scope of work is the mowing and trimming of Fernwood, Fairmont, and Mt. Zion cemeteries. The contract provides for the cemeteries to be mowed and trimmed at least once per week, or as specifically directed by the City. Special attention shall be paid to the appearance of the cemeteries for holidays. The frequency of mowing will be adjusted as necessary by the city with the lawns to be mowed often enough so as to maintain the length of the grass at no less than 1 1/2 inch and no taller than 3 inches. Grass clippings are to be blown off monuments, roadways, paths, and sidewalks by the end of each cut day. No herbicides or other chemicals are to be used for grass and weed control without the consent of the Park, Recreation, and Cemeteries Director. Any monument damaged or disturbed by the contractor is required to be repaired or reset at his expense. Minor litter pickup is also required of the contractor.

Bid packages were sent to six vendors, with three vendors submitting bids. The recommended bidder was the lowest responsive bidder with an annual price of $122,475.00. This amount is an increase of approximately $15,375.00 from the last contract in 2018 and may require a budget amendment. If approved, this will be the fifth time Knight’s Landscaping, LLC has been awarded this bid.

The contract term is through December 31, 2020, with an option to extend for an additional one-year period under the same terms and conditions.

Your approval of the attached municipal order is requested.

c: Trace Stevens
   Dawn Winn
Park and Recreation Memorandum
20-04

Thursday, January 23, 2020

TO: William Newman, City Manager
    Robert Gunter, Finance Director

CC: Theresa Richey

FROM: Trace Stevens, CPRP, Park and Recreation Director

SUBJECT: Bid Acceptance

In response to bid 20-03 the Parks Recreation and Cemeteries Department would like recommend that the city accept the bid from Knight’s Landscaping of Henderson KY for Fernwood and Fairmont Cemeteries at an annual price of $122,475.00

The last contract was awarded to Knight’s Landscaping for Cemetery Mowing Services for an annual fee of $107,100. If accepted this would be the fifth time Knights has been awarded this bid. There were three bidders seeking to provide this service.

This contract will run through December 31, 2020 with an optional 12 month extension.

Enclosure: bid tab; cemetery mowing bid
<table>
<thead>
<tr>
<th>Cemetery</th>
<th>Unit Price/out</th>
<th>Total</th>
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<th>Unit Price/out</th>
<th>Total</th>
<th>Unit Price/out</th>
<th>Total</th>
<th>Percent Increase/Decrease</th>
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</tr>
<tr>
<td>Fernwood Mowing Area 1 (33 cuts)</td>
<td>$475.00</td>
<td>$15,675.00</td>
<td>$559.27</td>
<td>$18,455.91</td>
<td>$700.00</td>
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<tr>
<td>Fernwood Mowing Area 2 (33 cuts)</td>
<td>$475.00</td>
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<td>$475.30</td>
<td>$15,684.90</td>
<td>$600.00</td>
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<td>$434.70</td>
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<td>9%</td>
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<tr>
<td>Fernwood Mowing Area 4 (33 cuts)</td>
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<td>$373.64</td>
<td>$12,330.12</td>
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<td>$126.67</td>
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<td><strong>Fairmont Cemetery</strong></td>
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<td></td>
</tr>
<tr>
<td>Fairmont Mowing Area 1 (33 cuts)</td>
<td>$200.00</td>
<td>$6,600.00</td>
<td>$295.76</td>
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<td>18%</td>
</tr>
<tr>
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<td>$200.00</td>
<td>$6,000.00</td>
<td>$200.00</td>
<td>$6,000.00</td>
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<td>$2,475.00</td>
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<tr>
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<td>Mt. Zion Cemetery (33 cuts)</td>
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<td>$210.06</td>
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<td>$107,100.00</td>
<td></td>
<td></td>
<td>13%</td>
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</tbody>
</table>

Other Bidders Contacted: Pierson's Southern Turf Management; Unlimited Landcare & Landscaping, CTL Services

Bids Reviewed By: Dawn Winn, Leigh Anne Herron, Trace Stevens
City of Henderson, Kentucky
Invitation to Bid

Bid Reference No. 20-03

SPECIAL CONDITIONS

In order to present an attractive and well-maintained appearance, the City of Henderson is accepting sealed bids for the mowing and trimming of the following City cemeteries.

Estimated Number of Cuts per Season

Fernwood Cemetery
- Mowing Area 1 estimated 33 cuts per season
- Mowing Area 2 estimated 33 cuts per season
- Mowing Area 3 estimated 33 cuts per season
- Mowing Area 4 estimated 33 cuts per season
- Mowing Area 5 estimated 33 cuts per season
- Mowing Area 6 estimated 15 cuts per season

Fairmont Cemetery
- Mowing Area 1 estimated 33 cuts per season
- Mowing Area 2 estimated 33 cuts per season
- Mowing Area 3 estimated 33 cuts per season
- Mowing Area 4 estimated 33 cuts per season
- Mowing Area 5 estimated 33 cuts per season
- Mowing Area 6 estimated 15 cuts per season

Mount Zion Cemetery
- Entire cemetery estimated 33 cuts per season.

Note that mowing Area 6 in Fernwood and Fairmont cemeteries is less active and is estimated to be mowed less frequently than areas (1 – 5).

The numbers of cuts are estimates only and the City does not guarantee any minimum or maximum number of cuts per season. The estimated number of cuts will be used to determine the lowest total bid price.

Detail of Mowing Areas

FERNWOOD CEMETERY
- Mowing Area 1 Section 1, 2, 3, 4, & 5
- Including Workshop, Small Office, Park & Recreation Office, Mausoleum Units, Berms
- Mowing Area 2 Section 6, 14, 21, 22, 25, ½ circle
- Mowing Area 3 Section 7, 13, 15, ½ circle
- Mowing Area 4 Section 8, 12, 16, 17, 11, 9, 10, Public Ground #1,
- Public Ground #2, 18, 19
- Mowing Area 5 Section 20, 23, 24, Public Ground #3, A, B, and small triangle
- Mowing Area 6 Section C
**SPECIAL CONDITIONS**

Page 2

FAIRMONT CEMETERY
Mowing Area 1 Section A
Mowing Area 2 Section B1 & B2, Veterans lot
Mowing Area 3 Section C
Mowing Area 4 Section E1 & E2, median
Mowing Area 5 Section F & G
Mowing Area 6 Section H

The City will maintain a continuing property inspection to determine that the contractor is complying with all provisions of the contract. This inspection will include but will not be limited to the quality of service rendered, compliance with the terms and specifications, and the regularity of the service.

**Term and Cancellation**

The term of the contract will be from the date the bid is approved by the City Commission through December 31, 2020. If both parties agree in writing, the contract can be extended for an additional twelve (12) month period upon the same terms and conditions with a 2% increase of original bid price.

Upon determination by the City Manager, of unsatisfactory performance, the contract can be terminated in five (5) calendar days upon written notice.

**Licenses and Insurance**

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.

   $1,000,000 combined single limit

C. Umbrella Insurance Aggregate limits of liability: $5,000,000

   Bodily injury and Property Damage Liability
   Personal and Advertising Injury Liability
D. 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.

Successful bidder will be required to obtain a City of Henderson Occupational License.

Invoicing and Payment

The City shall be invoiced bi-weekly for the services rendered during the previous two weeks. The invoice shall individually list each mowing area in each cemetery mowed during the two week period, the number of times mowed, the “per cut” price as established in the contract, and the extended total price (Price per cut (x) number of cuts).

The mowing week will begin on Friday of each week and conclude on the following Thursday. The Cemetery Superintendent and/or designee will inspect properties on Friday for payment of services.

Bid Award

Bid will only be awarded to a “Responsible Bidder”.

“Responsible Bidder” means a person or firm who has the capability in all respects to perform fully the contract requirements, and the integrity and reliability, which will assure good faith performance.

Bidder must demonstrate that it is a “Responsible Bidder” in order to be considered for bid award.

Each bidder is required to submit the following in order to demonstrate it is a “Responsible Bidder”. The City may require additional information.

- List number of years in business.
- Work references from a minimum of three firms for whom similar work has been performed in the past year. References shall contain the company name, address contact person and phone number.
A list of equipment to be used or acquired and the number of personnel the bidder considers adequate to perform this work.

An operational plan that sets forth the contractors plans for successfully fulfilling the contract including a tentative mowing schedule, supervision of crews, and accessibility of contractor for addressing special services or concerns, estimated number of hours to complete services at job site.

A properly filled out Bid Pricing Sheet, Bid Reference 20-03

All bidders are required to meet with the Parks and Recreation Director or designee to inspect the properties and discuss mowing and trimming practices included in the work prior to the submission of a bid, unless other arrangements are made with the City. Questions regarding the properties included or specifications are to be directed to Trace Stevens, Director of Parks and Recreation, at 270-831-1274.

The Responsible Bidder with the lowest Total Bid Price will be awarded a contract.

The estimated number of cuts times the prices per cut will be used to determine the lowest total bid price. However, the City does not guarantee any minimum or maximum number of cuts. Payment will be based on the actual number of cuts.

Bidders unfamiliar with the City’s sealed bid process or bidders with procedural questions are encouraged to call Dawn Winn, Assistant Finance Director, at 270-831-1290, ext. 2220.

- End of Section -
City of Henderson, Kentucky
Invitation to Bid

Bid Reference No. 20-03

TECHNICAL SPECIFICATIONS

- The contractor shall be responsible for all equipment and maintenance of said equipment required in fulfilling this contract.

- The work to be performed under this contract is expected to begin around April 1 of each year and conclude around November 1. Depending upon weather and growing conditions, it is possible that mowing services will begin earlier than April 1 and continue after November 1. The contractor will be expected to start and end mowing services as directed by the City.

- The City does not guarantee any minimum or maximum number of cuttings or trimming during the period covered by this contract. The City reserves the right to mow and trim any property included in the contract with its own crews or to otherwise care for its property as determined in its best interests.

- The contractor shall take precautions to protect the public, vehicles, buildings, facilities, etc., from harm or damage. Excessive mowing speed shall not be permitted. Proper attire, including shirts and protective eye wear, shall be worn by bidders employees at all times. The contractor’s employees shall behave appropriately.

- All operations are to be carried out at each section/site before moving on to the next. Specifically, each section is to be mowed, trimmed, and monuments swept off before moving to another section of the cemetery.

- The contractor shall be responsible for minor litter control and shall not mow over any litter or artificial flowers and cause them to be thrown around the grounds. The contractor shall be responsible for disposing of shredded litter resulting from this action. The City shall be responsible for major litter control and shall be notified immediately when a problem exists.

- The properties shall be mowed and trimmed every seven (7) days, or as specifically directed by the City. The lawns shall be mowed often enough so as to maintain the length of grass at not less than one and one-half (1½") inches and not more than three inches (3"). The City shall be notified immediately when there is any deviation from the schedule due to equipment breakdowns, inclement weather conditions, or other reasons.

- Special attention shall be paid to the appearance of the cemeteries on the following days: Mothers Day, Memorial Day, Fathers Day, Easter, Veterans Day and the Fourth of July.

- No tractors or bush hog work shall be performed by the contractor.
- Grass adjacent to fixed objects, such as grave stones, monuments, etc. shall be trimmed to the same height as the general turf.

- Areas not accessible to mowers must be trimmed utilizing a weed-eater or similar trimming device. Special attention shall be paid to areas immediately adjacent to monuments, walls, fences, bushes, curbs, streets, paths, building, and other objects. The contractor will trim around headstones in such a manner as not to damage, mark or disfigure them.

- No headstone, grave marker, or any other monument in the cemeteries is to be disturbed. In the event of a disturbance, the City shall be immediately notified and it shall be the financial responsibility of the contractor to repair/correct any damage. If markers are knocked out of line, the contractor shall notify the City who will assist in properly replacing and aligning the markers.

- All grass clippings must be swept or blown from monuments, paths, mausoleums, sidewalks, and roadways immediately after mowing and/or edging, including in front of the department office in Fernwood Cemetery.

- Care must be taken when mowing and trimming around trees so the bark is not damaged.

- No mowing or trimming shall be performed during funerals or within any adjacent section if there are visitors to gravesites.

- Any public concerns or comments received by the contractor shall be reported to the City within one day after receipt. The contractor response shall consist of an acknowledgement of the call and remediation of the problem.

- The contractor may leave clippings on the lawn as long as no readily visible clumps remain on the grass surface 36 hours after mowing. Otherwise, Contractor will distribute large clumps of clippings by mechanical blowing or by collecting and removing them.

- No herbicides or other chemicals to be used for grass and weed control shall be used without the expressed consent of the Parks Director or the Cemetery Superintendent.

- The contractor will keep all chain link fences free of weeds and vines. Turf at the base of chain link fences shall be kept neatly trimmed no taller than the surrounding turf. Vines and other vegetation shall not be permitted to grow on the fence.

- The vendor shall not park vehicles, trailers, or heavy equipment on turf areas or sidewalks without prior authorization from the City of Henderson. Do not block walks, drives, or parking areas during maintenance operations.
Inspection and Acceptance of Work:

- The mowing schedule will begin on Friday and finish on Thursday of each week. On Friday of each week the cemetery's representative will conduct an inspection for payment of services completed in the prior week.

- The Contractor shall be responsible for notifying the cemetery's representative as soon as practical after all work is finished.

- The cemetery will notify the Contractor, in writing, of any work that is not deemed acceptable. The Contractor will have 72 hours to repair, replace, or redo the specified work. The Contractor will be responsible for all charges incurred.

- All work must meet the specifications of this agreement.

- End of Section –
MUNICIPAL ORDER

MUNICIPAL ORDER AWARDING BID FOR MOWING OF CITY CEMETERIES TO KNIGHT'S LANDSCAPING, LLC OF HENDERSON, KENTUCKY

WHEREAS, the City of Henderson has issued invitations to bid for mowing services for City cemeteries; and

WHEREAS, bids were submitted to the City pursuant to said invitations, and were publicly opened on January 21, 2021 with Knight's Landscaping, LLC of Henderson, Kentucky, submitting the lowest bid, which bid the City Manager recommends be accepted.

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 Knight's Landscaping, LLC, P.O. Box 114, Henderson, Kentucky 42420 for mowing services for Fernwood, Fairmont and Mt. Zion cemeteries, in strict accordance with its bid as submitted pursuant to Bid Reference 20-03.

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

INTRODUCED, PUBLICLY READ AND FINALLY APPROVED ON ONE READING, this the____ day of January, 2020.

ATTEST:  ____________________________________________

Steve Austin, Mayor
Date:  ____________________________

Maree Collins, CKMC;
City Clerk

APPROVED AS TO FORM AND LEGALITY THIS______ DAY OF JANUARY, 2020.

By:  ________________________________

Dawn S. Kelsey
City Attorney
City Commission Memorandum  
20-13

January 24, 2020

TO: Mayor Steve Austin and the Board of Commissioners
FROM: William L. “Buzzy” Newman, Jr., City Manager
SUBJECT: Ordinance Pertaining to Smoking in City Parks

Items for the agenda of Tuesday, January 28, 2020 are first readings of two ordinances relating to smoking in city parks and other public places.

The revisions detailed below are a result of the discussion at the January 21, 2020 work session.

The first ordinance amends Chapter 16, Offences, Article IV, Smoking in public places and places of employment, Section 16-51, Definitions, to add the definition of city park; Section 16-54, Prohibition of smoking in outdoor arenas and stadiums, to add smoking prohibition in city parks and to amend smoking designated areas to permitted special events.

The second ordinance amends Chapter 17, Parks and recreation, Article III, Special Events, Section 17-50, Application for permit, Subsections (b)(12) and (c)(13) of the Code of Ordinances to require special event permit holders to designate whether or not a designated smoking area will be included for the event; limits the designated area to twenty-five (25) percent of the total permitted area; and specifies it be placed where event attendees do not have to pass through the designated smoking section to gain access to the non-smoking area.

Your approval of the attached ordinance is requested.

c: Trace Stevens
Dawn Kelsey
To: Buzzy Newman, City Manager

From: Dawn S. Kelsey, City Attorney

Dated: January 22, 2020

Subject: Prohibition on Smoking in the Parks

At the Work Session on Tuesday, January 21, 2020, the Board of Commissioners reviewed the ordinances wherein other cities in the Commonwealth currently prohibit smoking in their public parks. These include Bowling Green, Murray, Middlesboro, Owensboro, Paducah, Stanford, Versailles, and Williamstown. From the discussion of the work session, I have revised Ordinance 16-51 to add a definition of City Parks which does not include the Bridges of Henderson Golf Course; Ordinance 16-54 to prohibit smoking in city parks (but not adjacent parking lots), and to prohibit smoking in City owned public transportation stations and shelters, and to allow a designated smoking section at a Special Event in a city park; and Ordinance 17-50 Applications for permit to clarify that special events in city parks are non-smoking, but are allowed to include a designated smoking section.

cc: Trace Stevens, Parks and Cemetery Director
ORDINANCE NO. ________

ORDINANCE AMENDING CODE OF ORDINANCES PERTAINING TO SMOKING

SUMMARY: AN ORDINANCE AMENDING ARTICLE IV-SMOKING IN PUBLIC PLACES AND PLACES OF EMPLOYMENT, SECTION 16-51. DEFINITIONS, TO ADD DEFINITION OF CITY PARK; SECTION 16-54. PROHIBITION OF SMOKING IN OUTDOOR ARENAS AND STADIUMS, TO ADD SMOKING PROHIBITION IN CITY PARKS AND TO AMEND SMOKING DESIGNATED AREAS TO PERMITTED SPECIAL EVENTS, OF CHAPTER 16 OFFENSES OF THE CODE OF ORDINANCES OF THE CITY OF HENDERSON, KENTUCKY

WHEREAS, the Board of Commissioners deems it necessary and appropriate to amend its existing ordinance pertaining to smoking in public places and places of employment to add a definition of a city park; to add smoking prohibition in city parks; and to amend the smoking designated option to permitted special events in city parks to allow a designated smoking section.

NOW, THEREFORE, BE IT ORDAINED by the City of Henderson, Kentucky, that Article IV- Smoking in Public Places and Places of Employment, Section 16-51. Definitions, and Section 16-54. Prohibition of Smoking in Outdoor Arenas and Stadiums, of Chapter 16 Offenses of the Code of Ordinances is hereby amended as follows:

Sec. 16-51. - Definitions.

The following words and phrases, whenever used in this article, shall be construed as defined in this section:

Bar means an area which is devoted to the serving of alcoholic beverages for consumption by patrons on the premises and in which the serving of food is only incidental to the consumption of such beverages. Although a restaurant may contain a bar, the term "bar" shall not include the restaurant dining area.

Business means a sole proprietorship, partnership, joint venture, corporation, or other business entity, either for profit or not for profit, including retail establishments where goods or services are sold; professional corporations and other entities where legal, medical, dental, engineering, architectural, or other professional services are delivered; and private clubs.

Common area means any area where individuals may congregate such as hallways, lobbies, restrooms and elevators.

Employee means a person who is employed by an employer in consideration for direct or indirect monetary wages or profit, and a person who volunteers his or her services for a nonprofit entity.

Employer means a person, business, partnership, association, corporation, including a municipal corporation, trust, or nonprofit entity that employs the services of one or more individual persons.
Enclosed area means all space between a floor and ceiling that is enclosed on all sides by solid walls or windows (exclusive of doorways), which extend from the floor to the ceiling.

Health care facility means an office or institution providing care or treatment of diseases, whether physical, mental, or emotional, or other medical, physiological, or psychological conditions, including, but not limited to, hospitals, rehabilitation hospitals or other clinics, including treatment facilities for drug addiction, alcoholism, and the like, weight control clinics, nursing homes, homes for the aging or chronically ill, laboratories, and offices of surgeons, chiropractors, physical therapists, physicians, dentists, and all specialists within these professions. This definition shall include all waiting rooms, hallways, private rooms, semiprivate rooms, and wards within health care facilities.

City park: All public recreation areas within locations designated and owned by the City of Henderson as a park including, but not limited to all ballparks, stadiums, basketball courts, tennis courts, pickle ball courts, skate parks, swimming pools, water features, bicycle trails, walking trails, nature trails, recreational facilities, park shelters, and all public areas of parks and other similar places owned or operated by the city where members of the general public assemble for recreational enjoyment, to engage in physical exercise, participate in athletic competition or witness sports or other events. It does not include the Bridges of Henderson Golf Course, nor adjacent parking lots to any public park.

Place of employment means an area under the control of a public or private employer that employees normally frequent during the course of employment, including, but not limited to, work areas, employee lounges, restrooms, conference rooms, meeting rooms, classrooms, employee cafeterias and hallways. A private residence is not a "place of employment" unless it is used as a childcare, adult day care, or health care facility.

Private club means an organization, whether incorporated or not, which is the owner, lessee, or occupant of a building or portion thereof used exclusively for club purposes at all times, which is operated solely for a recreational, fraternal, social, patriotic, political, benevolent, or athletic purpose, but not for pecuniary gain, and which only sells alcoholic beverages incidental to its operation. The affairs and management of the organization are conducted by a board of directors, executive committee, or similar body chosen by the members at an annual meeting. The organization has established bylaws and/or a constitution to govern its activities. The organization has been granted an exemption from the payment of federal income tax as a club under 26 U.S.C. section 501.

Public place means an enclosed area to which the public is invited or in which the public is permitted, including, but not limited to, banks, bars, educational facilities, health care facilities, hotel and motel lobbies, laundromats, polling places, public transportation facilities, reception areas, restaurants, retail food production and marketing establishments, retail service establishments, retail stores, shopping malls, sports arenas, theaters, and waiting rooms. A private club is a "public place" when being used for a function to which the general public is invited. A private residence is not a "public place" unless it is used as a childcare, adult day care, or health care facility.

Restaurant means an eating establishment, including, but not limited to, coffee shops, cafeterias, sandwich stands, national and regional chains, and private and public school cafeterias, which gives or offers for sale food to the public, guests, or employees, as well as kitchens and
catering facilities in which food is prepared on the premises for serving elsewhere. The term "restaurant" shall include a bar area within the restaurant.

*Retail tobacco store* means a retail store utilized primarily for the sale of tobacco products and accessories and in which the sale of other products is merely incidental.

*Retail Vapor Store* - A retail store devoted primarily to the sale of any vapor or electronic smoking product, including but not limited to e-cigarettes, e-cigars, e-pipes, e-hookah, or vapor pen, or under any other product name or descriptor and accessories, including any vapor cartridge or other container of a liquid solution or other material that is intended to be used with or in an electronic smoking device and in which the sale of other products is incidental. The sale of other such products shall be incidental.

*Service line* means an indoor line in which one (1) or more persons are waiting for or receiving service of any kind, whether or not the service involves the exchange of money.

*Shopping mall* means an enclosed public walkway or hall area that serves to connect retail or professional establishments.

*Smoking* means inhaling, exhaling, burning, or carrying any lighted cigar, cigarette, pipe, or other lighted tobacco product, or any other lighted substance, whether otherwise legally possessed or consumed such as marijuana, in any manner or in any form. *Smoking* also includes the use of a vapor product which creates a vapor, in any manner or in any form, or the use of any oral smoking device for the purpose of circumventing the prohibition of smoking in this section.

*Sports arena* means sports pavilions, stadiums, gymnasiums, health spas, boxing arenas, swimming pools, roller and ice rinks, bowling alleys, and other similar places where members of the general public assemble to engage in physical exercise, participate in athletic competition, or witness sports or other events.

*Vapor product* means any noncombustible product that employs a heating element, battery, power source, electronic circuit, or other electronic, chemical, or mechanical means, regardless of shape or size and including the component parts and accessories thereto, that can be used to deliver vaporized nicotine or other substances to users inhaling from the device. *Vapor product* includes but is not limited to any electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, e-hookah or similar product or device and every variation thereof, regardless of whether marketed as such, and any vapor cartridge or other container of a liquid solution or other material that is intended to be used with or in an electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, or other similar product or device.

Sec. 16-54. - Prohibition of smoking in outdoor arenas and stadiums, city parks, outdoor public transportation shelters and allowing designated smoking section in special events.

(a) Smoking is prohibited in the seating areas of all outdoor arenas, stadiums and amphitheaters;

(b) Smoking is prohibited in all city parks [in a fifteen (15) foot radius of any playground or water feature in a city park];

(c) In, and within fifteen (15) feet of all outdoor public transportation stations, platforms, and shelters under the authority of the city; and
(d) [Smoking is prohibited in a city park during any Special Event wherein a sponsor has requested in its Special Event Permit application for the event to be non-smoking or non-smoking] A sponsor to a Special Event may allow smoking in a city park during a special event in a [with] designated smoking [area] section pursuant to Section 17-50.

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

The ordinance shall become effective upon 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 Staton: _______ Commissioner Royster: _______
Commissioner Vowels: _______ Mayor Austin: _______
Commissioner Bugg: _______

On second reading of the ordinance, it was moved by Commissioner ________________, seconded by Commissioner ________________, that the Ordinance be adopted. On roll call the vote stood:

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

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, City Clerk

APPROVED AS TO FORM AND LEGALITY THIS 27TH DAY OF JANUARY 2020.

By: ________________________________
Dawn S. Kelsey
City Attorney
ORDINANCE NO. ________

ORDINANCE AMENDING CODE OF ORDINANCES REGARDING SPECIAL EVENTS

SUMMARY: AN ORDINANCE AMENDING CHAPTER 17, PARKS AND RECREATION, ARTICLE III, SPECIAL EVENTS, SECTION 17-50 APPLICATION FOR PERMIT SUBSECTION (B)(12) AND SUBSECTION (C)(13) OF THE CODE OF ORDINANCES OF THE CITY OF HENDERSON TO REQUIRE SPECIAL EVENT PERMITS FOR EVENTS IN A CITY TO DESIGNATE WHETHER IT WILL HAVE A DESIGNATED SMOKING AREA

WHEREAS, it is necessary to update Chapter 17, Parks and Recreation of the Code of Ordinances, Section 17-50. Application for Permit Subsection to require permits to designate whether the event in a public park will have a designated smoking section.

NOW, THEREFORE, BE IT ORDAINED by the City of Henderson, Kentucky, that Section 17-50, Subsection (b)(12) and Subsection (c)(13) of Chapter 17, Parks and Recreation of the Code of Ordinances is hereby amended as follows:

Sec. 17-50. - Application for permit.

(a) Time limit and deadline. A person or entity seeking a special event permit or a special event with alcohol permit shall file an application with the city manager at least ninety (90) days prior to the date of such event. A completed application does not constitute approval of the permit. A waiver of application deadline may be granted upon a showing of good cause at the discretion of the city manager; and, if there is sufficient time to process and investigate the application, and arrange police and other city services for the event.

(b) Special event permit application (without alcohol). The application for the special event permit shall set forth the following information:

(1) The name, address and telephone number of the person seeking permission to conduct a special event.

(2) If the special event is proposed to be conducted for, on behalf of or by an organization, the name, address and telephone number of the headquarters of the organization and of the organization's authorized representatives and responsible heads of such organizations.

(3) The name, address and telephone number of the person who will be the event coordinator who will be responsible for its management.

(4) The date or dates when the special event is to take place.

(5) The area where the special event or route is to take place.

(6) The hours when the special event will start and terminate.
The expected total attendance for the event, and the estimated maximum number of people to be assembled at any one time.

A security and safety plan.

Request for any special facilities or temporary structures. (A fee may be charged in advance.)

A cleanup plan including name(s) of individuals and group(s) responsible for cleaning during and after the special event.

Whether the applicant or sponsoring organization of the proposed special event proposes to select and authorize participants as provided in section 17-60.

Designate whether the event in a city park will be designated as non-smoking, and if non-smoking whether it will have a designated smoking section and the location of such smoking section. The designated smoking section cannot exceed twenty-five percent (25%) of the total outdoor area of the permitted area and should be placed where event attendees do not have to pass through the designated smoking section to gain access to the non-smoking area.

Such other information as may be required by the city manager.

Special event permit application (with alcohol). The application for the special event with alcohol permit shall set forth the following information:

The sponsor's (not for profit organization) name, address and telephone number of the headquarters of the organization and of the organization's authorized representatives and responsible heads of such organizations.

The name of the individual; corporation or organization that will be the holder of the state and local issued alcohol beverage control license for the event.

The name, address and telephone number of the person who will be the event coordinator who will be responsible for its management.

The date or dates when the special event is to take place.

If alcohol will be consumed at the special event, then a site plan of the proposed event, including any area where alcohol will be served and consumed and indication where the controlled entry/exit will be and where the boundaries of the enclosure will be located, and a description of the enclosure.

If alcohol will be sold by the package and not consumed, then a site plan of the proposed event, including any area where alcohol may be sold by the package.

If alcohol will be consumed at the special event, then the hours when the special event will start and terminate and the hours when alcohol will be served. In no circumstances can alcohol be served or sold after 11:00 p.m.

The expected total attendance for the event, and the estimated maximum number of people to be assembled at any one (1) time.

A security and safety plan which will include security necessary for the alcohol area.

Request for any special facilities or temporary structures. (A fee may be charged in advance.)

A cleanup plan including name(s) of individuals and group(s) responsible for cleaning during and after the special event.
(11) Whether the applicant or sponsoring organization of the proposed special event proposes to select and authorize participants as provided in section 17-60.

(12) A copy of all necessary state and local licenses from alcohol beverage control issued for the event (the licenses can be provided after conditional approval for the special event with alcohol permit is given). Proof that all individuals who will be serving alcohol at the event have completed S.T.A.R. (Server Training in Alcohol Regulations).

(13) Designate whether the event in a city park will be designated as non-smoking, and if non-smoking whether it will have a designated smoking section and the location of such smoking section. The designated smoking section cannot exceed twenty-five percent (25%) of the total outdoor area of the permitted area and should be placed where event attendees do not have to pass through the designated smoking section to gain access to the non-smoking area.

(14) Such other information as may be required by the city manager.

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

The ordinance shall become effective upon 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 Staton: _______ Commissioner Royster: _______
Commissioner Vowels: _______ Mayor Austin: _______
Commissioner Bugg: _______

On second reading of the ordinance, it was moved by Commissioner __________, seconded by Commissioner __________, that the Ordinance be adopted. On roll call the vote stood:

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

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, City Clerk

APPROVED AS TO FORM AND LEGALITY THIS 24 DAY OF JANUARY 2020.

By: [Signature]
Dawn S. Kelsey
City Attorney
# UPCOMING BOARD APPOINTMENTS

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<td>Gary Bell (Resigned)</td>
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<td>Mac Arnold</td>
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Meeting: 01/28/2020