

City of Henderson, Kentucky

NOTICE OF SPECIAL CALLED MEETING  
FOR TUESDAY, FEBRUARY 18, 2020  
BEGINNING AT 5:15 P.M.

February 13, 2020

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

Dear Board Members:

Please take notice that as Mayor of the City of Henderson, Kentucky, I hereby call a special called meeting of the Board of Commissioners to be held on Tuesday, February 18, 2020, at 5:15 p.m., in the third floor assembly room, 222 First Street, Henderson, Kentucky. The purpose of this called meeting is for the following:

1. Roll Call:

2. Ordinances-2<sup>nd</sup> Readings:

Ordinance Amending Code of Ordinances Pertaining to Smoking

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

3. Ordinances-1<sup>st</sup> Reading:

Ordinance Amending Sec. 22-62, *Limited Free Parking*

4. Bids and Contracts:

Municipal Order Awarding Bid for Remote Methane Leak Detector

5. Adjournment

Respectfully,

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Steve Austin, Mayor

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

NOTICE OF SPECIAL CALLED MEETING  
FOR TUESDAY, FEBRUARY 18, 2020  
BEGINNING AT 5:15 P.M.  
Continued

A copy of the foregoing notice received and service thereof waived this 18<sup>th</sup> day of February, 2020.

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Commissioner Patti Bugg

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Commissioner X R. Royster, III

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Commissioner Bradley S. Staton

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Commissioner Austin P. Vowels

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

**City Commission Memorandum**  
**20-14**

February 13, 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 the special called meeting on Tuesday, February 18, 2020 are final readings of two ordinances relating to smoking in city parks and other public places.

As you will recall, 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 ordinances is requested.

c: Trace Stevens  
Dawn Kelsey

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 of 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, ~~[and playgrounds and water features in]~~ city parks, outdoor public transportation shelters and allowing designated smoking section in [designated] 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 Vowels, seconded by Commissioner Royster, that the Ordinance be adopted on its first reading. On roll call the vote stood:

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

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 27 DAY OF  
JANUARY 2020.**

By:   
Dawn S. Kelsey  
City Attorney

ORDINANCE NO. 02-20

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 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.

- (7) The expected total attendance for the event, and the estimated maximum number of people to be assembled at any one time.
- (8) A security and safety plan.
- (9) Request for any special facilities or temporary structures. (A fee may be charged in advance.)
- (10) 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) 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.
- ~~[(12)]~~ (13) Such other information as may be required by the city manager.
- (c) *Special event permit application (with alcohol)*. The application for the special event with alcohol permit shall set forth the following information:
  - (1) 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.
  - (2) 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.
  - (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) 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.
  - (5a) 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.
  - (6) 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.
  - (7) The expected total attendance for the event, and the estimated maximum number of people to be assembled at any one (1) time.
  - (8) A security and safety plan which will include security necessary for the alcohol area.
  - (9) Request for any special facilities or temporary structures. (A fee may be charged in advance.)
  - (10) 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 Royster, seconded by Commissioner Vowels, that the Ordinance be adopted on its first reading. On roll call the vote stood:

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

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:	_____		

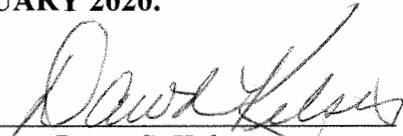
WHEREUPON, Mayor Austin declared the ordinance adopted, affixed his signature and the date and ordered that it be recorded.

\_\_\_\_\_  
 Steve Austin, Mayor  
 Date: \_\_\_\_\_

ATTEST:

\_\_\_\_\_  
Maree Collins, City Clerk

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

By:   
Dawn S. Kelsey  
City Attorney

**City Commission Memorandum  
20-15**

February 13, 2020

TO: Mayor Steve Austin and the Board of Commissioners

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

SUBJECT: Limited Free Parking Ordinance

An item for the agenda of the Tuesday, February 18, 2020 special called meeting is first reading of an ordinance to amend Chapter 22, *Traffic and Motor Vehicle*, Article II, *Parking, Stopping and Standing*, Division 1, Section 22-62, *Limited Free Parking*.

Pursuant to direction given at the January 28, 2020 meeting, staff drafted amendments to the parking ordinance adopted November 19, 2020 that was to sunset February 29, 2020. The attached ordinance makes the change to three (3) hour parking permanent and increases the evading time limitations violation (scatter) from five (5) times in a one-week period to seven (7) times.

c: Robert Gunter  
Dawn Kelsey  
Robert Gunter

**City Commission Memorandum  
20-14**

February 10, 2020

TO: Mayor Steve Austin and the Board of Commissioners

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

SUBJECT: Downtown Parking

Pursuant to our last Commission Meeting, staff and Lindsey Locasto met with Nancy Stone, Parking Enforcement, to discuss options. Listed below is information you may find helpful.

Parking tickets issued November 2019 to date:

<u>Dates</u>	<u>Total Tickets Written</u>	<u>Private Citizens</u>	<u>Downtown Employees</u>
Nov 2019	365	50	315
Dec 2019	162	9	153
Jan 2020	159	18	141
Feb 2020 (to date)	31	1	30

Actual scatter tickets issued with current five (5) limit versus those that would have been issued for the proposed alternatives. December 2019 through January 2020

	<u>December 2019</u>	<u>January 2020</u>
<b>Actual (5) limit</b>	<b>40</b>	<b>30</b>
<i>Prop (6) limit</i>	<i>33</i>	<i>13</i>
<i>Prop (7) limit</i>	<i>21</i>	<i>7</i>
<i>Prop (10) limit</i>	<i>11</i>	<i>1</i>

Dawn Kelsey will prepare a draft ordinance including a seven (7) scatter limit within a five (5) day period. If the Commission chooses to let the current ordinance expire it will revert to two-hour parking with a limit of ten (10) scatter.

c: Dawn Kelsey

ORDINANCE NO. \_\_\_\_\_

ORDINANCE RELATING TO PARKING

**SUMMARY: AN ORDINANCE AMENDING CHAPTER 22, *TRAFFIC AND MOTOR VEHICLE*, ARTICLE II – *PARKING, STOPPING AND STANDING*, DIVISION 1, SECTION 22-62 – *LIMITED FREE PARKING TO PROVIDE FOR THREE HOURS OF FREE PARKING PERMANENTLY AND SECTION 22-63 *EVADING TIME LIMITATIONS PROHIBITED CHANGING FIVE TIMES A WEEK TO SEVEN TIMES A WEEK****

WHEREAS, at the request of the Downtown Henderson Partnership, the City of Henderson instituted a three (3) month trial basis changing the two (2) hour free parking in areas of the Central Business District to three (3) hour free parking to provide visitors greater time to shop, dine and explore downtown Henderson; and

WHEREAS, during the trial basis, it was determined that the three (3) hour free parking in the Central Business District was successful; and

WHEREAS, the scatter ticket or evading time limitations, which during the trial period decreased from ten (10) in a one-week period to five (5) in a one-week period; however, it has been determined that seven (7) times in a one-week (Monday through Friday) period will be more effective; and

NOW THEREFORE BE IT ORDAINED by the City of Henderson, Kentucky, that, Chapter 22, *Traffic and Motor Vehicles*, Article II – *Parking, Stopping, and Standing*, Division 1, *Generally* of the City’s Code of Ordinances, is hereby amended as follows:

Sec. 22-62. - Limited free parking.

There shall be no charge for the parking of vehicles on the public streets or at the Second Street Boat/Watercraft Trailer Parking Area provided, however, that:

(a) It shall be unlawful for any motor vehicle parked for a period longer than three (3) consecutive hours [~~during the period of December 1, 2019 through February 29, 2020, and beginning on March 1, 2020 two (2) consecutive hours~~], unless otherwise designated for a shorter period of time by the city manager or unless the motor vehicle has a valid residential parking permit affixed to its rear window, between the hours of 8:00 a.m. and 5:00 p.m. of any day, except Saturday, Sunday and legal holidays, in the marked parking spaces on those sections of public streets in the downtown area as follows:

- First Street—From Water Street to Green Street;
- Second Street—From Water Street to Green Street;

- Third Street—From Water Street to the mid-block alley east of Elm Street on the south side of the street;
- Third Street—From Main Street to Green Street on the north side of the street;
- Water Street—From Washington Street to Third Street;
- Main Street—From Washington Street to a point approximately two hundred fifteen (215) feet north of Third Street on the west side of the street;
- Main Street—From Washington Street to a point approximately two hundred twenty (220) feet north of Third Street on the east side of the street;
- Elm Street—From the entrance of the Municipal Center to a point approximately ninety-three (93) feet north of Third Street on the west side of the street;
- Elm Street—From Center Street to a point approximately seventy (70) feet north of Third Street on the east side of the street; and

(b) On Saturdays and Sundays from May 1 to September 30, and on Memorial Day, Independence Day, and Labor Day, no motor vehicle shall be parked or allowed to stand unattended in the Second Street Boat/Watercraft Trailer Parking Area except for boat/watercraft trailers or vehicles with a watercraft roof rack carrier that have affixed a current boat/watercraft trailer parking sticker issued pursuant to division 2, boat/watercraft trailer parking permit of chapter 25, waterways, or motor vehicles parked in spaces designated by signs as "Playground Parking." For all other days, between the hours of 8:00 a.m. and 5:00 p.m. of any day (except as designated above), it shall be unlawful for any motor vehicle to be parked for a period longer than three (3) consecutive hours [~~during the period of December 1, 2019 through February 29, 2020, and beginning on March 1, 2020 two (2) consecutive hours~~], unless otherwise designated for a shorter period of time by the city manager or designated by signage in the marked parking spaces anywhere within the Second Street Boat/Watercraft Trailer Parking Area, except for motor vehicles towing boat/watercraft trailers or vehicles with a watercraft roof rack carrier that have affixed a current boat/watercraft parking sticker issued pursuant to division 2, boat/watercraft trailer parking permit of chapter 25, waterways, of this Code.

(c) The "Second Street Boat/Watercraft Trailer Parking Area" as used herein is that paved area extending west from Water Street on a line with Second Street, then north on the connector road running along the Ohio River, and then east on a line with Third Street to Water Street. "Legal holidays" as used herein means New Year's Day, Martin Luther King Day, Good Friday, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, day after Thanksgiving, Christmas Day, and the day before or the day after Christmas Day, as designated by the city manager.

Sec. 22-63. - Evading time limitations prohibited.

It shall be unlawful to move a vehicle from one (1) space to another for the purpose of evading time limitations on parking. Therefore, if a vehicle is shown by the electronic marking device used by the city's parking enforcement officer to have occupied parking spaces within the stated regulated areas

more than seven (7) times in a one-week period (Monday through Friday) [~~five (5) times in a one-week period (Monday through Friday) during the period of December 1, 2019 through February 29, 2020, and beginning on March 1, 2020 more than ten (10) times in a one-week period (Monday through Friday)~~], then the owner or operator of said vehicle shall be deemed to have moved said vehicle for the purpose of evading time limitations on parking which shall constitute a parking violation and such violator shall be notified in writing of such violation and shall be subject to the penalties set forth in section 22-64 below.

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

On the first reading of this 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: _____	

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

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

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

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

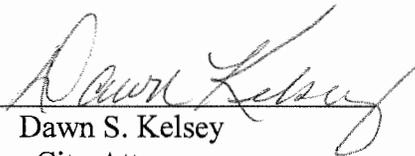
WHEREUPON, Mayor Austin declared the ordinance adopted, affixed his signature and the date and ordered it be recorded.

\_\_\_\_\_  
Steve Austin, Mayor  
Date: \_\_\_\_\_

ATTEST:

\_\_\_\_\_  
Maree Collins, CKMC  
City Clerk

**APPROVED AS TO FORM AND  
LEGALITY THIS 14 DAY OF  
FEBRUARY 2020.**

By:   
Dawn S. Kelsey  
City Attorney

**City Commission Memorandum**  
**20-16**

February 13, 2020

TO: Mayor Steve Austin and the Board of Commissioners

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

SUBJECT: Purchase of HEATH Remote Methane Leak Detector

The accompanying municipal order authorizes the purchase of three (3) HEATH Remote Methane Leak Detectors (RMLD-CS) and one (1) Detecto Pak-Infrared (DP-IR) advanced leak detector from Heath Consultants, Inc, Houston, Texas, in the low bid amount of \$56,325.00.

As you may recall, Henderson Municipal Gas submitted a Technical Assistant Grant to Pipeline and Hazardous Materials Safety Administration (PHMSA) for the purpose of aiding safety efforts, specifically methane leak detection. HMG has been awarded the grant which will provide for the purchase of methane laser equipment in addition to infrared detecting equipment. HMG will be receiving one laser unit and one infrared unit. The Henderson Fire Department will receive the other two laser units. Training by the manufacturer is included in the grant.

Bid packages were sent to two vendors, and two bids were received. Heath Consultants, Inc. was the lowest bidder and award is recommended accordingly.

Funds for this purchase will be reimbursed by PHMSA and no matching funds are required.

Your approval of the attached municipal order is requested.

c: Owen Reeves  
Dawn Winn

**Gas Department Memorandum**  
**20-04**

February 10, 2020

TO: William Newman, City Manager

FROM: Owen R. Reeves, Gas System Director

SUBJECT: Award, Bid Reference 20-06  
Remote Methane Detector (3), Infrared Optical Gas Detection (1)  
Technical Assistance Grant (TAG)

**Background**

As you may recall, Henderson Municipal Gas was awarded a Technical Assistant Grant by PHMSA to aid in our safety efforts. Our request focused on current versions of leak detection equipment. The approved grant, submitted by Tim Clayton, included methane laser equipment in addition to infrared detecting equipment.

HMG will be receiving one laser unit and one infrared unit. The other two laser units will go to the fire department. Included in the grant is training by the manufacturer which will be provided to HMG and HFD personnel so that we can better serve our public.

**Award**

The specifications were advertised in accordance with KRS 45A.365 requirements. Two bids were received and each met the required specifications. Though these monies are not in the budget, reimbursement will be provided by PHMSA. No matching funds were required as part of the grant. Award is recommended to Heath Consultants of Houston, Texas with a low bid of \$56,325.00

Should you have any questions please let me know.

Respectfully,



Owen R. Reeves  
Gas System Director

cc: City Attorney  
Finance Director

CITY OF HENDERSON, KENTUCKY  
 BID TABULATION SHEET

BID REFERENCE NO.: 20-06  
 DATE BID OPENED: 02/04/20  
 APPROVAL DATE: \_\_\_\_\_  
 ACCEPTANCE FORM SENT: \_\_\_\_\_

Heath Consultants, Inc  
 Houston, TX

Minesafe Electronics, Inc  
 Sturgis, KY

	Heath Consultants RMLD-CS	\$45,000.00	\$49,500.00					
	Heath Consultants DP-IR	\$11,325.00	\$12,457.00					
	<b>Total</b>	<b>\$56,325.00</b>	<b>\$61,957.00</b>					

Other Bidders Contacted:

Bids Opened & Recorded By:

Bids Reviewed By:

*Dawn Winn*  
 Dawn Winn  
 Leigh Anne Herron  
*Leigh Anne Herron*

Owen Reeves

City of Henderson, Kentucky  
Invitation to Bid

Bid Reference No. 20-06

SPECIAL CONDITIONS AND TECHNICAL SPECIFICATIONS

**Heath Consultants RMLD-CS - QTY of 3 required.**

**Product Description:**

The HEATH Remote Methane Leak Detector - Complete Solution (RMLD-CS) is a highly advanced technology, capable of detecting methane leaks from a remote distance utilizing the same TDLAS (tunable diode laser absorption spectroscopy) technology as the current RMLD. This instrument eliminates the separate receiver and transceiver, combining them into one hand-held instrument that is lightweight, portable and field rugged. The RMLD-CS makes it possible to detect leaks without having to travel the entire length of the pipe line, thus creating safer surveys in areas that may be difficult to reach such as busy roadways, yards with dogs, fenced off areas and other hard to access places. It operates under a variety of field conditions including a wide temperature range, light rain and fog. Its rugged design will stand up to normal field use and operating conditions and its sensitivity or range is not affected by reasonable amounts of dust on the instrument's window.

**Product Specifications:**

Detection Method - Tunable Diode Laser Absorption Spectroscopy (TDLAS)

Measurement Range - 0 to 99,999 ppm-m

Sensitivity - 5 ppm-m at distances from 0 to 50 ft (15m)

Detection Dist. - 100ft (30m) nominal. Actual distance may vary due to background type & conditions.

Beam Size - Conical in shape with a 22" diameter at 100 ft (55 cm at 30 m).

Detection Alarms Modes - Digital Methane Detection (DMD): Audible tone relative to concentration when detection threshold exceeded.

Adjustable Detection Alarm - Level 1 to 999

Real Time (RT): - Continuous audio chirp relative to concentration.

System Fault Warning - Unique audible pitch and indication on the display.

Self-Test & Calibration - Built-in Self-Test and Calibration function verifies operation and adjusts laser wavelength for maximum sensitivity. Calibration results are stored on the device and can be downloaded by the user. Test gas cell integrated within carrying case.

Compliance - EMC (EN61000-6-2, EN6100-6-4)

Intrinsic Safety - Pending

Laser Eye Safety - IR Laser: Class I, Spotter: Class IIIa

- Do not stare into beam or view directly with optical instrument.

## SPECIAL CONDITIONS AND TECHNICAL SPECIFICATIONS

Page 2

Communications - Bluetooth 4.2 BLE, WiFi, USB Dual Mode

Display - 3.5" LCD

Operating Temperature - 0° to +122° F (-17° to 50° C)

Humidity - 5 to 95% RH, non-condensing

Enclosure (Inst.) - IP54 (Water Splash and Dust Resistant)

Instrument Weight ≈ 3 lbs.

Battery - Removable, rechargeable, Li ion battery pack, 12-15 VDC

Battery Run Time - 8 hours at 32° F

Battery Charging - External, in-line, 110-240 Vac, 50/60 hertz, international

Charge Time, Maximum - 2 - 3 hours

Charging Indicator - Integrated into dual battery charger

### **Heath Consultants DP-IR - QTY of 1 required.**

#### **Product Description:**

The Detecto Pak-Infrared (DP-IR) is an extremely sensitive, advanced leak detector capable of detecting methane without false alarming on other gases. The DP-IR is the latest generation of leak survey instruments from Heath that will greatly improve the productivity and safety of a walking/mobile survey because of high sensitivity and fast response. The DP-IR functions by using an infrared optical gas detection system with sample gas pumped into the instrument through a probe. This instrument is intended to replace current surveying equipment using the traditional Flame Ionization with technology utilizing a simple light beam, eliminating the need for expensive gas cylinders and refill systems. It is designed to be selective to detecting methane only and will not false alarm on other hydrocarbon gases. The DP-IR operates under a variety of environmental conditions including cold or hot weather. Its rugged design will stand up to normal field use and operating conditions. The DP-IR has built-in Self-Test and Zero functions to assure the operator the instrument is operating properly. Using the internal calibration cell, the operator can perform the self-test as part of a daily start up routine. While in operation, the DP-IR continuously monitors several parameters to ensure the instrument is functioning properly. Should any of these parameters go outside of the operational limits, an audible alarm will sound, and a Fault/Warning error message will be displayed.

#### **Product Specifications:**

Detection Method: Infrared Controlled, Interference, Polarization, Spectrometer

Measurement Range: 0 to 10,000 PPM, 0 to 100% Gas

Display Range: Auto Ranging:

PPM: 0-10,000

%Gas: 1-100%

Manual Ranging:

PPM scale: 0-10,000

%Gas scale: 0-100%

## SPECIAL CONDITIONS AND TECHNICAL SPECIFICATIONS

Page 3

Sensitivity: 0-1000 PPM: 1 PPM 1000-10,000 PPM: 5 PPM 1-100%Gas: 0.5%

Accuracy: Greater of  $\pm 0.5\%$  or  $\pm 10\%$  of reading (normal temp. and pressure, % gas on manual mode)

Response Time: ~1 second from probe end to a reading on the display

Connectivity: Bluetooth 5 Low Energy (compatible with iOS, Android and Windows devices)

Detection Alarms Modes: Digital Methane Detection (DMD):

Audible tone when detection threshold exceeded.

Adjustable Alarm Level from 1 to 9,000 PPM

Tick: Continuous audio tone relative to concentration

System Fault Warning: Audible tone and indication on the display

Self-Test & Calibration: Built in Self-Test and Calibration function verifies operation and adjusts calibration for maximum sensitivity. Test gas cell integrated within the instrument.

Compliance: EN 61326-1,

Conducted Emissions Class B EN 61326-1

Radiated Emissions Class B EN 61000-4-2 4kV/8kV

ANSI C63.4 Class B EN 61000-4-3 3 V/M

FCC 47 CFR Part 15 Class B

Dust Filter: Replaceable filter provides dust protection. Easy change-out quick disconnect filter cap.

Display: Large easy to read backlit LCD (0.75" Numeric)

Operating Temperature: 0 to + 122 F (-17 to 50 C) (nominal battery voltage)

Humidity: 5 to 95% RH, non-condensing

Enclosure: IP54 (Water splash and Dust resistant)

Instrument Weight: 5.6 lbs.

Carry Case: 13 lbs empty; 21 lbs filled 24.5" x 21" x 9"

Sample Flow Rate: 2.0 LPM (with Survey Probe attached)

Power Supply: Internal rechargeable Li-ion battery or External 12 Vdc car battery with power conditioner

Battery Operating Life: 8 hours at 32° F without backlight on

Battery Charger: External, in-line, 110 - 240 VAC, 50 / 60 hertz. 10 hours to 90% charge

Shoulder Strap: Single over the shoulder padded strap

Alarm Volume: 108 dBs @ Alarm port (A-fast)

Survey Probe: Quick connect fitting with locking clasp. Adjustable length from 25" to 41"

Bar hole Probe: Std: 20"; Optional 36"

Intrinsic Safety: Class I Division I Group D T3

UL 913, CSA 22.2 No. 157, MET Labs #E112840

MUNICIPAL ORDER \_\_\_\_\_

MUNICIPAL ORDER AWARDING BID FOR LEAK DETECTING EQUIPMENT TO HEALTH CONSULTANTS, INC. OF HOUSTON, TX FOR HENDERSON MUNICIPAL GAS DEPARTMENT IN THE AMOUNT OF \$56,325.00

WHEREAS, the City of Henderson has issued invitations to bid for leak detecting equipment to be used by the Municipal Gas Department; and

WHEREAS, Henderson Municipal Gas was awarded a Technical Assistant Grant by Pipeline and Hazardous Materials Safety Administration (PHMSA) to aid in safety efforts and the gas department's request focused on current versions of leak detection equipment; and

WHEREAS, although these monies are not in the budget, reimbursement will be provided by PHMSA; and

WHEREAS, bids were submitted to the City pursuant to said invitations, and were publicly opened on February 4, 2020, with Health Consultants, Inc. of Houston, TX submitting the best bid, which bid the City Manager recommends be accepted.

NOW, THEREFORE, BE IT RESOLVED by the City of Henderson, Kentucky, that the recommendation of the City Manager is approved, and award is hereby made to Health Consultants, Inc., 9030 Monroe Rd., Houston, TX 77061, in the amount of \$56,325.00 for leak detecting equipment to be used by the gas department, in strict accordance with its bid as submitted pursuant to Bid Reference 20-06.

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

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

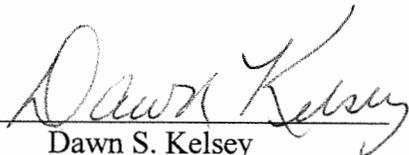
**INTRODUCED, PUBLICLY READ AND FINALLY APPROVED ON ONE READING**, this the \_\_\_\_\_ day of February, 2020.

ATTEST:

\_\_\_\_\_  
Steve Austin, Mayor  
Date: \_\_\_\_\_

\_\_\_\_\_  
Maree Collins, CKMC, City Clerk

APPROVED AS TO FORM AND  
LEGALITY THIS 12 DAY OF  
FEBRUARY, 2020.

By:   
Dawn S. Kelsey  
City Attorney