

CITY OF HENDERSON – RECORD BOOK

Record of Minutes of A Regular *Meeting on* July 24, 2018

A meeting of the Board of Commissioners of the City of Henderson, Kentucky, was held on Tuesday, July 24, 2018, at 5:30 p.m., prevailing time, with the primary location of this video teleconference meeting designated as the third floor Assembly Room located in the Municipal Center Building at 222 First Street, Henderson, Kentucky. The meeting was conducted in accordance with KRS 61.826

INVOCATION was given by Reverend Orbley Ramsey, Lawndale Baptist Church, followed by Boy Scout Brent Raleigh leading recitation of the Pledge of Allegiance to our American Flag.

There were present Mayor Steve Austin presiding:

PRESENT:

Commissioner Patti Bugg
 Commissioner Robert N. Pruitt, Sr. (attending via video conferencing)
 Commissioner Bradley S. Staton
 Commissioner Austin P. Vowels

ALSO PRESENT:

Mr. William L. “Buzzy” Newman, Jr., City Manager
 Mrs. Dawn Kelsey, City Attorney
 Ms. Maree Collins, City Clerk
 Mrs. Donna Stinnett, Community Relations Manager/Public Information Officer
 Mr. Robert Gunter, Finance Director
 Mr. Jason Hargitt, Interim Police Chief
 Mr. Trace Stevens, Parks, Recreation & Cemeteries Director
 Mr. Scott Foreman, Fire Chief
 Mr. Chad Moore, Assistant Fire Chief
 Mr. Jeremy Baxter, Assistant Fire Chief
 Mr. John Pace, Firefighter
 Mr. Danny Glaser, Firefighter
 Mr. Chris Watson, Fire Lieutenant
 Mr. Chris Watkins, Fire Driver/Engineer
 Ms. Cindy Phillips, HFD Administrative Secretary
 Mrs. Donna Veazey, HFD Secretary
 Mr. Ray Nix, Code Administrator
 Mr. Dylan Ward, Project Manager
 Mrs. Jennifer Latimer, Executive Assistant
 Mr. Bill Raleigh, Information Technology
 Mr. Brent Raleigh, Scout
 Mr. Todd Norman, Municipal Golf Course Manager
 Mrs. Claudia Wayne, Planning Commission Assistant Executive Director
 Mr. Mark Van Meter, Wife & Daughters
 Master Kaydence Cassidy, Parents and Siblings
 Ms. Lindsay Locasto, Downtown Henderson Partnership
 Ms. Leah Tumerman, Muralist
 Ms. Jordyn Myracle, Ohio Valley Art League Executive Director
 Ms. Missy Vanderpool, Henderson Audubon Board of Realtors Executive Director
 Ms. Abby Dixon, Henderson Tourist Commission Executive Director
 Ms. Chris Plummer
 Ms. Drew Stinnett
 Ms. Maddie Fritz
 Ms. Hailey Owens
 Ms. Aiyana Mason
 Mr. Tony Iriti, Kyndle CEO
 Mrs. Donna Crooks, Kyndle Vice President of Economic Development
 Ms. Jordan Staples, Kyndle Membership Sales Representative
 Ms. Whitney Risley, Kyndle Existing Industries & Workforce Development Manager

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Mr. Ernest O’Nan
 Mr. Randy Pippin
 Mr. Dennis Snyder
 Mr. Darren Spainhoward
 Mr. Taylor Decorrevont
 Mr. Bruce Kanipe
 Mr. Mark Hesley
 Mr. Curt Hamilton, Curt Hamilton Law
 Mr. X R. Royster, City Commissioner Candidate
 Reverend Orbley Ramsey, Lawndale Baptist Church
 Mr. Mike Richardson, Reserve Police Officer
 Mr. Doug White, *the Gleaner*
 Ms. Paige Hagan, 14 News
 News 44

PRESENTATION: The Perch Mural Update

JORDYN MYRACLE, Ohio Valley Art League Executive Director, reported that the mural on Second Street is well under way and that muralist Leah is here this evening to present a little bit of behind the scenes information regarding the mural process.

LEAH TUMERMAN, Muralist, explained that the mural is about 75% to 80% complete and thanked the dedicated group of people (mostly female) that have come out every day to help with the project. She indicated that Chris Plummer and Drew Stinnett, applicants in the mural process, have come out and gleaned really important technical insight into preparing to do their own projects. She stated that this group has come out diligently nearly every day and are humble, excited, invested, and curious and that she is so honored to have met them and to have worked with them on this project. Leah stated that, “It might be the hardest one I’ve ever done, but it’s definitely going to be the most rewarding.”

MAYOR AUSTIN thanked Ms. Tumerman for including all these local people in the process and as he presented her with a Key to the City, thanked her for her hard work and stated that she is welcome in Henderson anytime.

PRESENTATION: Community Lifesaver Award

SCOTT FOREMAN, Fire Chief, reported that the Community Lifesaver Award is something that the Fire Department started giving out about a year ago and this is the third one to be presented. He indicated that the purpose of this award is to inspire the community to do the right thing when faced with a tough situation.

CHAD MOORE, Assistant Fire Chief, read the Award letter from the Henderson Fire Department to Mr. Mark Van Meter detailing his heroic actions, safely removing a candy wrapper from a choking child’s airway on May 15, 2018 before the arrival of emergency services.

Ms. Ebony Baker, mother of Kaydence Cassidy, thanked Mark for saving the life of one of her precious twins.

MARK VAN METER expressed his appreciation and indicated that he was just “in the right place at the right time.”

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PRESENTATION: Cops Connecting With Kids

JASON HARGITT, Interim Police Chief, explained that he had been approached by Evansville Police Chief Billy Bolen at the possibility of joining them with a program called Cops Connecting with Kids. The school system was then contacted and determined that it was a great opportunity to build relationships to enhance the lives and skill sets of under privileged middle school students that may be starting down the wrong path in life. The program sets milestones throughout the school year which include academic as well as non-academic activities that must be met to be eligible to participate in the opportunity for an all-expense-paid trip to Disney World. The overall nation-wide program is so large that Disney now recognizes it during the week at their parks. No Police Department or City funds will be used for the program. All costs are provided by private fundraising efforts. The students are paired with either a police officer or a school staff member for the week. He then announced a *Back the Blue* fundraiser to be conducted at Audubon Chrysler this Saturday from 4:00 p.m. to 8:00 p.m. He reported that approximately 300 Jeeps are expected to caravan from Mt. Vernon, Indiana, to Henderson to participate in this family friendly event which includes a rock crawl course, crush a police car, food, and entertainment and invited everyone to come out and support this Cops Connecting with Kids fundraiser event.

PRESENTATION: “Kyndle Year-End Report”

TONY IRITI, Kyndle CEO, introduced the newest member of their team, Jordan Staples and thanked the Mayor and Commissioners for allowing them to present the annual year-end report.

JORDAN STAPLES, Membership Sales Representative, explained that she was born and raised in Henderson and attended Western Kentucky University before moving to North Carolina as a pharmaceutical representative. This was her second day on the job.

WHITNEY RISLEY, Existing Industries & Workforce Development Manager, reported that she has completed 58 business and expansion visits this fiscal year. She indicated that several businesses have plans to expand within their current footprint and/or relocate to a larger facility to accommodate everything under one roof. She has shown sites at the Henderson Riverport and the City’s Industrial Park on Borax Drive. She reported that she is working with several industries located on Ohio Drive and will also be assisting with communications for the Ohio Drive Roadway Improvement Project. Notification was received that Tyson Foods has recently completed their expansion/hiring project and has gone for their final incentives. She also gave an update on the Kyndle Fame Program. Five students representing five employers are in their third semester of the program. Eight students representing five employers will begin the program in August. Ms. Risley reported that October is Manufacturing Month and she will be scheduling tours of local industries for interested high school students.

When Commissioner Staton asked about incentives at the state level for the film and animation industry to help a current business expand, she and Mr. Iriti responded that they continue to meet with the company and state officials to find opportunities for them.

DONNA CROOKS, Kyndle Vice President of Economic Development, reported that she has been quite busy responding to new project inquiries and is working six active projects with interest in the Four Star Industrial Park and/or on the 425 Bypass. She indicated that they have been working with a consultant and CSX Railroad to have the 425 Bypass property designated as a Select Site Certified, which would make it one of the top 25 sites with railroad access in the country. A consulting firm has been hired to provide supply chain mapping data of suppliers to Toyota Motors in Princeton, Indiana. She indicated she will be attending upcoming automotive related events to better understand those needs. Ms. Crooks reported that Kyndle met or exceeded their economic growth goals for FY18; are at 40% in the first year of a two year jobs creation goal; and have exceeded the hourly wage goal of \$18.19 average per hour before benefits.

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APPROVAL OF CONSENT AGENDA:

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

Minutes: June 26, 2018, Regular Meeting
 July 02, 2018, Called Meeting
 July 10, 2018, Regular Meeting

MOTION by Commissioner Staton, seconded by Commissioner Bugg, to approve the items on the Consent Agenda as presented.

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

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

WHEREUPON, Mayor Austin declared the consent agenda items approved.

/s/ Steve Austin
 Steve Austin, Mayor
 July 24, 2018

ATTEST:

Maree Collins, City Clerk _____

ORDINANCE NO. 21-18: SECOND READ
ORDINANCE ACCEPTING PUBLIC IMPROVEMENTS
AN ORDINANCE ACCEPTING PUBLIC IMPROVEMENTS FOR PROPERTY
LOCATED IN MERRILL PLACE COMMERCIAL SUBDIVISION

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

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

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

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

/s/ Steve Austin
 Steve Austin, Mayor
 July 24, 2018

ATTEST:

Maree Collins, City Clerk _____

RESOLUTION NO. 40-18:

RESOLUTION AUTHORIZING ACCEPTANCE OF GRANT FROM THE UNITED STATES DEPARTMENT OF COMMERCE ECONOMIC DEVELOPMENT ADMINISTRATION (EDA) THROUGH THE PUBLIC WORKS AND ECONOMIC ADJUSTMENT ASSISTANCE PROGRAM, IN THE AMOUNT OF \$990,000.00 FOR THE OHIO DRIVE EXPANSION PROJECT; AND AUTHORIZING THE MAYOR TO EXECUTE THE NECESSARY DOCUMENTS ON BEHALF OF THE CITY

WILLIAM L. "BUZZY" NEWMAN, JR., City Manager, explained that with the assistance of Joanna Shake at GRADD, the City and County submitted a joint grant application

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and were very fortunate to have the grant awarded. It does require a 50% match; however, the County was able to secure grant funds from the Kentucky Transportation Cabinet for this project which goes toward the match requirement; and the Henderson Water Utility is providing in-kind service to move fire hydrants and water meters; and the City’s Project Manager will be assisting the County Engineer with Construction Inspection Services for the City roadway improvements as well as preparing the Construction Schedule for the project and will be working with the industries in developing plans for construction. Utilizing the KYTC grant funds and the in-kind services, the City’s cash contribution to the project could be reduced to zero from the original \$190,000.00 estimate. The Gas department work will be reimbursed at actual cost, so this is a win-win for everyone.

MOTION by Commissioner Staton, seconded by Commissioner Vowels, to adopt the resolution authorizing acceptance of a joint City/County grant from the United States Department of Commerce Economic Development Administration through the Public Works and Economic Adjustment Assistance Program for the Ohio Drive Expansion Project.

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

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

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

/s/ Steve Austin
Steve Austin, Mayor
July 24, 2018

ATTEST:
Maree Collins, City Clerk _____

RESOLUTION NO. 41-18:

RESOLUTION GIVING AUTHORIZATION TO THE CITY MANAGER, OR HIS DESIGNEE, TO MAKE AN OFFER TO PURCHASE PROPERTY LOCATED AT 800 WOLF HILLS BOULEVARD OFF WATHEN LANE FORMERLY KNOWN AS “THE PLAYERS CLUB” WITH CONTINGENCIES, AND TO AUTHORIZE THE MAYOR TO EXECUTE ANY DOCUMENTS NECESSARY TO SUBMIT THE OFFER

MOTION by Commissioner Bugg, seconded by Commissioner Vowels, to approve the resolution authorizing the City Manager to make an offer to purchase the former Players Club golf course property located at 800 Wolf Hills Boulevard. The offer of \$750,000.00, with contingencies, includes the condition that a community benefactor donate \$500,000.00 of which \$450,000.00 will go toward the refurbishment of the facility and \$50,000.00 will go toward the purchase price making the City’s portion \$700,000.00; and that a satisfactory golf course management company can be found for a net zero (no cost to the City) lease for the facility. Also, it will require neighborhood community and golfing enthusiast financial support to help with operations during the first few years start up operations.

MAYOR AUSTIN reported that this project is something that has been discussed for a while now, and that most on the Board of Commissioners had been involved in the entire process. This resolution authorizes making an offer of \$750,000.00 for 169 acres which makes up the former Players Club Golf Course. The city would be the owner of the property. We have a community benefactor by the name of Jim Marshall that is contributing a significant amount of money toward this project to redo the fairways, greens, clubhouse and other things that need to be done out there. We are anticipating that the neighborhood community at Wolf Hills and other golf enthusiasts will support this project as well financially to the point that we can have a fund that will assist an operator for the first two or three years. The city is not going to operate this under any circumstances. The contingencies include a request for receiving an acceptable return

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on our request for proposals from the right kind of golf management company for leasing the course. If we don't have a company that will come in and take this on then that is a large speed bump in this plan. The other thing is that if we don't get the golfing community and the neighborhood community support that is also going to be a large bump in the road for this plan. That is a general overview of what is being proposed and voted on this evening.

ERNEST O'NAN, RANDY PIPPIN, DENNIS SNYDER, and TODD NORMAN voiced concerns regarding purchasing the former Players Club property and/or closing the current 9-hole Municipal course.

DARREN SPAINHOWARD, TAYLOR DECORREVONT, BRUCE KANIPE, CURT HAMILTON and MARK HESLEY voiced their support for the project.

DISCUSSION WAS HELD regarding the savings achieved from closing the current 9-hole golf course; the details of the contingencies placed on the purchase; details of the 'net zero' lease agreement with a management company; fee structure considerations for senior citizens and youth players; consideration for current season pass holders; the water needs of the 18-hole facility; that the current 9-hole facility will remain a recreation area, per restrictions from the original land donation to the City; the City's portion of the purchase price; the funds made available by a benefactor for purchase and restoration of the facility; and the amount of research and preparation that has gone into making this decision.

COMMISSIONER BUGG indicated that she comes from a big golfing family and that with her real estate background people were contacting her about the decrease in their property values, so she worked very hard on this project and tried very hard not to sway the other Board members. Once the benefactor came forward, it was a no-brainer for her.

COMMISSIONER STATON indicated that he wanted to address Mr. Norman stating that he and others had a lot of people reach out about the pros and cons of this proposed project and there were so many people that had glowing things to say about Mr. Norman and specifically about the way the course was being run. He stated that he would relay that and let Todd know that you have been doing a fantastic job for us and it is certainly appreciated. Commissioner Staton expressed the need for providing favorable rates for youths, senior citizens, schools and local organizations to take advantage of the course and not price them out of being able to play there and his appreciation to everybody who came tonight to speak to the Board.

COMMISSIONER PRUITT indicated that while he doesn't play golf he understands the need to keep rates affordable for everyone that wants to play and particularly the youth and senior citizens. Also, he reported that he would be working toward providing a state of the art swimming pool for the youth of our community.

COMMISSIONER VOWELS stated that almost everything had been said that needs to be said about this, but he wanted to emphasize one point the Mayor explained about counting on a fundraising effort from the community to put some funds together to help the operator of the course. Mayor Austin said this would be a bump in the road, if that effort was a failure. Commissioner Vowels indicated that he would go a step further and say that if that fundraiser to have a pot of money available for the operator to rely on in the early years isn't successful, the project may not come to fruition.

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

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

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

/s/ Steve Austin
Steve Austin, Mayor
July 24, 2018

ATTEST:
Maree Collins, City Clerk

DAWN KELSEY, City Attorney, explained that because this activity would be on City owned property, the agreement had been forwarded to our insurance company; however, they have not responded at this time. She asked that the motion to adopt the resolution be approved contingent that our insurance company has no objection to the agreement/activity.

RESOLUTION NO. 42-18:

RESOLUTION APPROVING MEMORANDUM OF UNDERSTANDING (MOU) BETWEEN U.S. MARINE CORPS FORCES, SPECIAL OPERATIONS COMMAND (MARSOC), THE CITY OF HENDERSON AND THE CITY OF HENDERSON POLICE DEPARTMENT TO CONDUCT TRAINING WITHIN THE CITY

MOTION by Commissioner Staton, seconded by Commissioner Bugg, approving the Memorandum of Understanding with attachments, between the U.S. Marine Corps Forces Special Operations Command (MARSOC), the City, and the Henderson Police Department to conduct periodic training at a City owned facility contingent upon our insurance company having no objections to the agreement/activities. The term is five years from date of execution.

JASON HARGITT, Interim Police Chief, explained that MARSOC has contacted HPD with the proposal that they be allowed to use the City’s firing range facility for periodic realistic military scenario-based training. The training may include small unmanned aircraft systems and raid and reconnaissance training-No live-fire training exercises will be conducted. The HPD facility includes a bunch of old military surplus CONEX boxes (large shipping containers) that can be staged and re-staged rather easily into various scenarios.

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

- Commissioner Bugg ----- Aye:
Commissioner Vowels ----- Aye:
Commissioner Staton ----- Aye:
Commissioner Pruitt ----- 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
July 24, 2018

ATTEST:
Maree Collins, City Clerk

RESOLUTION NO. 43-18:

RESOLUTION ACCEPTING PROPOSAL OF INDEPENDENCE BANK, HENDERSON, KENTUCKY, FOR BANKING SERVICES FOR CITY

ROBERT GUNTER, Finance Director, explained that the City has approximately two dozen bank accounts and this Request for Proposals was to provide servicing for those accounts. Three Proposals were received with Independence Bank providing 13 basis points above the Federal Funds Target rate. Independence Bank has been providing services to the City for at least ten years and we are very pleased with the service that they offer. He stated that last calendar year not only did it cost the City absolutely nothing for these 24 bank accounts, they paid the City over \$114,000.00 in interest on those accounts.

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MOTION by Commissioner Staton, seconded by Commissioner Bugg, to accept the proposal of Independence Bank for banking services as defined in Request for Proposal 18-24.

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

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

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

/s/ Steve Austin
Steve Austin, Mayor
July 24, 2018

ATTEST:
Maree Collins, City Clerk _____

REVIEW AND DISCUSSION OF ZONING ORDINANCE AND SWIMMING POOL RECOMMENDED REVISIONS

DAWN KELSEY, City Attorney, explained that a couple of months ago Denny Branson came in and asked for consideration to expand the areas where Self Storage Units could be located. Staff presented a proposed ordinance change which was approved by this legislative body to forward to the Planning Commission for review. Planning Commission staff reviewed the ordinance and made some recommendations which include reducing the parking requirements and clarifying language for definitions on vegetative buffers for streams. Subsequently the ordinance was revised and must be forwarded back to the Planning Commission for the formal review process.

Motion by Commissioner Staton, seconded by Commissioner Pruitt, to forward a request to the Planning Commission for review of revised Conditional Uses definitions in Section 2.01; Section 18.03 of Article XVIII, *Neighborhood Business*,; and Section 21.03 of Article XXI *Highway Commercial*, in order to allow self-storage units in these zoning districts.

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

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

DAWN KELSEY, City Attorney, explained that during review of the new Kentucky Building Codes we realized that there is a conflict in our ordinances. In Article II, *Building Codes*, of Chapter 7, *Buildings and Regulations*, we have adopted the Kentucky Building Code. In Article V, *Property Maintenance Code*, we have adopted the International Property Maintenance Code and they have a conflict as to fencing requirements around above-ground pools.

RAY NIX, Code Enforcement Administrator, explained that the new Kentucky Building Codes exempts above ground pools/spas from requiring any building permits and from any protective barriers for safety. The International Building Code requires protective barriers for pools/spas with water depth of 24” above-ground level. He indicated that this is not only a safety issue but also the issue of not requiring a permit means that the City has no idea if and when these objects are placed in a utility easement or other non-suitable location. Objects placed in utility easements or located over underground service pipelines cause delays in restoration of

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service, and can cause safety issues. He asked for direction on how to move forward regarding these issues.

DISCUSSION WAS HELD regarding the conflict between the above ground swimming pool/spa regulations in the Kentucky Building Codes and the International Property Maintenance Codes that we have adopted; Option 1-follow the Kentucky Building Code and omit that particular part of the International Property Maintenance Code relating to fencing around above-ground pools or spas; Option 2-to add the fencing requirements from the International Property Maintenance Code to the Kentucky Building Code and require fencing around above-ground pools/spas with water depth of 24” above ground level; Option 3-change the definition requiring a building permit for accessory buildings and in-ground pools to include requiring a building permit for an above ground pool/spa; staff is requesting that Option 3 be considered no matter whether protective barriers are required or not; and the possibility of the protective barrier being only for the ladder so as not to be cost prohibitive.

Consensus was to have staff develop ordinance amendments allowing for Option 1-to follow the Kentucky Building Code, adding protective barrier language to ladders or gates to entryways/steps and omitting the protective barrier requirements from the International Property Maintenance Code for pool/spas with water depth of 24” above-ground level and Option 3 requiring a Building Permit for all above-ground pool/spas.

MEETING ADJOURN:

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

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

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

WITHOUT OBJECTION, Mayor Austin declared the Meeting adjourned at approximately 7:30 p.m.

ATTEST:

Steve Austin, Mayor
August 14, 2018

Maree Collins,
City Clerk