

CITY OF HENDERSON – RECORD BOOK

Record of Minutes of A Regular Meeting on August 14, 2018

A meeting of the Board of Commissioners of the City of Henderson, Kentucky, was held on Tuesday, August 14, 2018, at 5:30 p.m., prevailing time, in the third floor Assembly Room located in the Municipal Center Building at 222 First Street, Henderson, Kentucky.

INVOCATION was given by Reverend Eric Hoey, Presbyterian Church, followed by 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.
Commissioner Bradley S. Staton
Commissioner Austin P. Vowels

ALSO PRESENT:

Mr. William L. “Buzzy” Newman, Jr., City Manager
Mr. Eric Shappell, Acting 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. Scott Foreman, Fire Chief
Mr. Jeremy Baxter, Assistant Fire Chief
Mr. Owen Reeves, Gas System Director
Mr. Ray Nix, Code Administrator
Mrs. Connie Galloway, Human Resources Director
Mrs. Jennifer Latimer, Executive Assistant
Mr. Tom Williams, Henderson Water Utility General Manager
Mr. Brian Bishop, Planning Commission Executive Director
Reverend Eric Hoey, Presbyterian Church
Mr. Mike Richardson, Reserve Police Officer
Mr. Doug White, *the Gleaner*

PRESENTATION: Stop-the-Bleed Campaign

JEREMY BAXTER, Assistant Fire Chief, reported that the Stop-the-Bleed campaign is a nationwide grass roots call to action where the average citizen is supplied with the tools and training to be effective and have the opportunity to make a difference in a mass casualty incident. He explained that during a recent Active Shooter class he heard that a neighboring community was working toward raising donations to provide a Stop-the-Bleed kit with every fire extinguisher throughout their entire school district. When he returned, he started searching for grant opportunities to provide the necessary funds to be able to place a Kit in every regular classroom throughout the Henderson County School District. He found that he had missed the deadline for most all of the local grants; however, the deadline for the Preston Foundation grant was one day away. With some help, he gathered all the information needed and applied, receiving one-third of the necessary funds. Donation pledges from two other organizations brought the total up to one-half of the funds necessary. The Henderson County School district was happy to participate and agreed to provide matching funds utilizing Safe Schools grant funds. He reported that all of this is possible due to a \$4,000.00 discount by purchasing the Kits through the City’s Fire Department account and then funneling the donations through the City’s General Fund to cover the expense. He also reported that the Henderson Police department has partnered with the Program to add Stop-the-Bleed training into the Active Shooter training and expects to have teachers across Henderson County Public Schools trained by November.

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It was the Consensus of the Board of Commissioners to proceed with the Program and to allow the donations to be funneled through the City’s General Fund in order to purchase the Kits at a discounted price and provide them to each classroom throughout the school district.

PRESENTATION: Kentucky Municipal Clerk Certification

MAYOR AUSTIN, reported that City Clerk Maree Collins has completed the Kentucky Municipal Clerks Association certification program becoming the first City of Henderson city clerk to achieve Certified Kentucky Municipal Clerk status.

APPROVAL OF CONSENT AGENDA:

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

Minutes: July 17, 2018, Special Called Meeting
 July 24, 2018, Regular Meeting

MOTION by Commissioner Staton, seconded by Commissioner Pruitt, 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
August 14, 2018

ATTEST:
Maree Collins, City Clerk _____

MAYOR AUSTIN reported that the next item is an ordinance that has been discussed previously and will align the City’s above-ground swimming pool regulations with the Kentucky Residential Building Code.

ORDINANCE NO. 22-18: FIRST READ

ORDINANCE AMENDING THE ADOPTION OF BASIC PROPERTY MAINTENANCE CODE

AN ORDINANCE AMENDING CHAPTER 7, *BUILDING AND BUILDING REGULATIONS*, ARTICLE V, *PROPERTY MAINTENANCE CODE*, SECTION 7-184, *ADOPTION OF BASIC PROPERTY MAINTENANCE CODE*, TO OMIT SECTION 303 *SWIMMING POOLS, SPAS AND HOT TUBS* SUBSECTION 303.2 *ENCLOSURES* OF THE INTERNATIONAL PROPERTY MAINTENANCE CODE

MOTION by Commissioner Pruitt, 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:

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

MAYOR AUSTIN explained that the following ordinance stems from the expense and staff reductions Henderson Water Utility discussed during the budget process.

ORDINANCE NO. 23-18: FIRST READ

ORDINANCE AMENDING PORTION OF HENDERSON WATER UTILITY BUDGET

ORDINANCE AMENDING HENDERSON WATER UTILITY BUDGETED POSITIONS AND JOB CLASSIFICATIONS OF THE 2018-2019 HWU BUDGET BY ELIMINATING THE DIRECTOR OF FIELD OPERATIONS POSITION, ADDING ONE (1) DIRECTOR OF OPERATIONS POSITION AND ONE (1) TREATMENT MANAGER POSITION

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

TOM WILLIAMS, Henderson Water Utility General Manager, reported that this realignment will actually go back to the way the department was structured years ago with a single Director of Operations that oversees both Plant Operations and Field Operations.

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 on its first reading and ordered that it be presented for a second reading at a meeting of the Board of Commissioners.

MAYOR AUSTIN reported that the following ordinance amending the Pay Plan is related to the previous ordinance amending the Henderson Water Utility budgeted positions.

ORDINANCE NO. 24-18: FIRST READ

ORDINANCE AMENDING JOB CLASSIFICATION AND PAY PLAN

ORDINANCE AMENDING JOB CLASSIFICATION AND PAY PLAN BY ADDING ONE (1) HWU TREATMENT MANAGER POSITION AND RECLASSIFYING THE POSITION OF HWU UTILITY SYSTEM SUPERINTENDENT

MOTION by Commissioner Staton, 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 on its first reading and ordered that it be presented for a second reading at a meeting of the Board of Commissioners.

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ORDINANCE NO. 25-18: FIRST READ

ORDINANCE AMENDING EMPLOYEE MANUAL

ORDINANCE AMENDING ARTICLE 10-PERSONNEL; ARTICLE 244-EMERGENCY/BEREAVEMENT LEAVE; ARTICLE 408-DRUG FREE WORKPLACE POLICY AND DRUG TESTING POLICY; AND ARTICLE 520-DICIPLINARY OF THE CITY OF HENDERSON EMPLOYEE MANUAL

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

CONNIE GALLOWAY, Human Resources Director, explained that the Personnel section relates to amending the non-Civil Service positions reported in the previous ordinances; clarifying language for the definition of Emergency Leave due to recent questions; amending the Drug and Alcohol Policy and amending Disciplinary Guide sections for clarity and consistency of 36 months in the reckoning periods that address drug and alcohol related situations.

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 on its first reading and ordered that it be presented for a second reading at a meeting of the Board of Commissioners.

ORDINANCE NO. 26-18: FIRST READ

ORDINANCE AMENDING CODE OF ORDINANCES REGARDING SELF STORAGE

AN ORDINANCE AMENDING APPENDIX "A" ZONING, ARTICLE II, DEFINITIONS, SECTION 2.01; ARTICLE XVIII, NEIGHBORHOOD BUSINESS DISTRICT, SECTION 18.03 CONDITIONAL USES; AND ARTICLE XXI, HIGHWAY COMMERCIAL DISTRICT, SECTION 21.03 CONDITIONAL USES, OF THE CODE OF ORDINANCES OF THE CITY OF HENDERSON

MOTION by Commissioner Vowels, seconded by Commissioner Pruitt, 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 on its first reading and ordered that it be presented for a second reading at a meeting of the Board of Commissioners.

MAYOR AUSTIN reported that the next item is a resolution formally authorizing the City Manager to sign HOME and CDBG documents for our community and is a continuation of present practice.

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RESOLUTION NO. 44-18:

RESOLUTION AUTHORIZING CITY MANAGER AUTHORITY TO SIGN ALL AGREEMENTS, SUBORDINATION AGREEMENTS, MORTGAGES AND RELEASE OF MORTGAGES THAT ARE REQUIRED AS PART OF THE HOME AND COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAMS

MOTION by Commissioner Pruitt, seconded by Commissioner Bugg, to adopt the resolution giving the City Manager authority to execute all HOME and Community Development Block Grant Program required agreements.

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
August 14, 2018

ATTEST:

Maree Collins, City Clerk _____

MUNICIPAL ORDER NO. 39-18:

MUNICIPAL ORDER ACCEPTING MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF HENDERSON AND HENDERSON UTILITY COMMISSION d/b/a HENDERSON MUNICIPAL POWER AND LIGHT TO EXPAND ELECTRICAL SERVICE WITHIN INDUSTRIAL PARK f/k/a BORAX DRIVE PROPERTY

MOTION by Commissioner Staton, seconded by Commissioner Pruitt, approving the Memorandum of Understanding between the City and the Henderson Utility Commission d/b/a Henderson Municipal Power & Light to expand electrical service within the City's Borax Drive Industrial Park.

WILLIAM L. "BUZZY" NEWMAN, JR., City Manager, reported that this Agreement is necessary to meet the requirements for the Riverfront Improvement Project and is a supplement to the acquisition of the Borax property that will bring electrical service within the Industrial Park. The maximum the City will be responsible for is \$190,000.00 with Henderson Municipal Power & Light responsible for any overruns or additional expenses for the 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 municipal order adopted, affixed his signature and the date thereto, and ordered that the same be recorded.

/s/ Steve Austin
Steve Austin, Mayor
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ATTEST:

Maree Collins, City Clerk _____

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MAYOR AUSTIN reported that the following municipal order authorizes the dissolution of the current lease with the Henderson County Senior Citizens for the Gathering Place facility which only encompasses a portion of the facility and approves a new lease which will encompass the entire building and allows them to sublease a portion of the facility.

MUNICIPAL ORDER NO. 40-18:

MUNICIPAL ORDER APPROVING THE NEW LEASE BETWEEN THE CITY OF HENDERSON AND HENDERSON COUNTY SENIOR CITIZENS, INC. (“THE GATHERING PLACE”) FOR 1817 NORTH ELM STREET, HENDERSON, KENTUCKY, AND THE DISSOLUTION OF THE CURRENT LEASE WITH THE GATHERING PLACE AND AUTHORIZING THE MAYOR TO EXECUTE THE NEW LEASE AGREEMENT ON BEHALF OF THE CITY AND APPROVING THE DISSOLUTION OF THE PREVIOUS LEASE

MOTION by Commissioner Staton, seconded by Commissioner Bugg, approving a new revised lease between the City and the Henderson County Senior Citizens, Inc. for property located at 1817 North Elm Street, known as The Gathering Place. This lease encompasses the entire facility and will allow subleasing of a portion of the facility.

COMMISSIONER STATON asked if this would allow HCSC to retain the rental fees from subleasing a portion of the facility to the Red Cross in order to provide funds for facility improvements as discussed at a previous meeting.

MAYOR AUSTIN affirmed that HCSC would retain the funds to use for facility/equipment improvements as previously discussed.

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
August 14, 2018

ATTEST:

Maree Collins, City Clerk _____

RESOLUTION NO. 45-18:

RESOLUTION ACCEPTING AGREEMENT BETWEEN KENTUCKY TRANSPORTATION CABINET LIMITED SUPPLEMENTAL GUIDE SIGN PROGRAM AND THE CITY OF HENDERSON FOR PLACEMENT OF SUPPLEMENTAL GUIDE SIGNS AT EXIT 14 ON U.S. HIGHWAY 41, AND AUTHORIZING THE MAYOR TO EXECUTE THE AGREEMENT ON BEHALF OF THE CITY

MOTION by Commissioner Pruitt, seconded by Commissioner Vowels, to approve the resolution authorizing acceptance and execution of the Agreement between the Kentucky Transportation Cabinet Limited Supplemental Guide Sign Program and the City for placement of signage at U.S. Highway 41 exit 14.

DONNA STINNETT, Community Relations Manager/Public Information Officer, explained that these signs are the large brown guide signs we’ve all seen on our travels around the state. She reported that the process started a little more than a year ago and is a bit stringent to prove historical worth. She also reported that the state raised questions on the Riverwalk and additional information including a pedestrian traffic count study was conducted and submitted in

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support. She indicated that the purpose of requesting the installation of the signage at this time is to accentuate our resources and funnel people into our downtown area in anticipation of that being our Gateway into town when Interstate 69 and the river crossing are fully developed.

DISCUSSION WAS HELD relating to the cost of the signage and if it was a part of the sign budget-it was included in the Non-Departmental Special Projects section of the budget; the question of if there is any anticipated work to be conducted in that area for the river crossing portion of road construction-no work is anticipated at this time; who makes the signs; design, construction and installation requirements for safety compliance; and assurances that every effort will be taken to ensure replacement of the signage during future construction of the interchange.

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
August 14, 2018

ATTEST:
Maree Collins, City Clerk _____

MUNICIPAL ORDER NO. 41-18:
MUNICIPAL ORDER AWARDING BID FOR PURCHASE OF AN EXTENDED CAB OR CREW CAB PICKUP TRUCK TO TOWN AND COUNTRY FORD OF EVANSVILLE, INDIANA, IN THE AMOUNT OF \$23,698.00

MOTION by Commissioner Pruitt, seconded by Commissioner Vowels, awarding the bid for the purchase of a 2018 F-150 SuperCab Styleside pick-up truck from Town & Country Ford of Evansville, Indiana, in the amount of \$23,698.00, in strict accordance with bid as submitted pursuant to Bid Reference 18-27.

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
August 14, 2018

ATTEST:
Maree Collins, City Clerk _____

REVIEW AND DISCUSSION OF ZONING ORDINANCE RECOMMENDED REVISIONS RELATING TO SWIMMING POOLS AND UTILITY ORDINANCE REVISIONS RELATING TO WATER AND SEWER

RAY NIX, Code Administrator, explained that an earlier agenda item corrects conflicts in above-ground swimming pool/spa regulations; however, the second component is to amend the zoning regulations to require a building permit for these structures in order to ensure that they are

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not placed in utility easements or over underground gas, water, or sewer lines or electrical lines. The permit fee would be nominal, probably \$20.00 or less.

Motion by Commissioner Staton, seconded by Commissioner Pruitt, to forward a request to add the following section relating to the permitting of above-ground swimming pools to the Planning Commission for review:

Appendix A-Zoning

Article IV-General Provisions

4-17 *Pools, in-ground and above-ground*

- 1) In-ground swimming pool is any in-ground structure intended for swimming or recreational bathing that contains water more than 24 inches (610 mm) deep.
- 2) Above-ground swimming pool is any above ground structure intended for swimming or recreational bathing that contains water more than 24 inches (610 mm) deep.
- 3) No swimming pool as defined above shall be constructed or placed prior to the issuance of a proper permit.
- 4) Barrier for swimming pools shall be in conformity with the Kentucky Residential Building Code, Appendix G (current edition).

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 motion approved, and ordered that the request be forwarded to the Planning Commission for review and possible action.

TOM WILLIAMS, Henderson Water Utility General Manager, indicated that one of the necessary changes is in conjunction with the previous amendments to the HWU Budgeted Positions, the Pay Plan and the Employee Manual for the non-civil service position changes and the other change is related to formally adopting the Henderson Water Utility (HWU) working title. He reported that other amendments will be coming in the near future as it is time to conduct the required review/update of local discharge limits.

CITY MANAGER’S REPORT:

WILLIAM L. “BUZZY” NEWMAN, JR., City Manager, indicated that he is recommending the following members be appointed to the Golf Course Review Committee: Andy Rideout, UK Extension Service Agent; David Chrisman, Citizen Member; Dylan Ward, Project Manager; Ben Blaze, Engineering Intern; Emily Gilliam, Parks Board Member; Dawn Winn, Assistant Finance Director; Commissioner Bugg and the City Manager.

MOTION by Commissioner Pruitt, seconded by Commissioner Staton, to accept the recommendation of the City Manager to appoint Andy Rideout, David Chrisman, Dylan Ward, Ben Blaze, Emily Gilliam, Dawn Winn, Commissioner Bugg and the City Manager to the Golf Course Review Committee.

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

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

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Commissioner Pruitt ----- Aye:
Mayor Austin ----- Aye:

WHEREUPON, Mayor Austin declared the motion approved.

WILLIAM L. “BUZZY” NEWMAN, JR., City Manager, reported a clarification regarding the sale of the Second/Alvasia Street properties—the properties will be sold on a highest best bid and not an evaluated bid. He indicated that it was his recommendation to sell the lots as a whole and not break them up into individual parcels. He indicated that the City has the right to reject any and all bids but a reserve could be set if so desired.

Consensus of the Board of Commissioners was to sell the lots as one parcel and to set a reserve.

COMMISSIONERS’ REPORT:

COMMISSIONER STATON announced that the Halloween Trunk or Treat Extravaganza would be conducted on October 27th beginning at 3:00 p.m. He reported that there would be some changes to the format of the event to prevent a bottleneck effect for the trick or treating portion of the event, participants will go directly into the activities and then at their leisure go into the trick or treat route.

COMMISSIONER PRUITT indicated that if the golf course plans go through, as he anticipates, he would like to see a state of the art swimming facility built for the youth of the community. He would like staff to start researching any restrictions on the property that may hinder using the current golf course location.

COMMISSIONER BUGG asked if the current swim facility was insufficient or deficient in some way.

COMMISSIONER PRUITT responded that it is old and the youth of our community deserve something better that they can be proud of instead of the aging facility that we now have.

MAYOR AUSTIN reported that a review of the solid waste transfer station revealed a \$471,000.00 savings during the past three years under the contract with Daviess County Fiscal Court over the previous operator’s contract due to an automatic cost-of-living escalator clause.

BOARD/COMMISSION REAPPOINTMENT: Parks and Recreation Commission:

Dr. Melanie Lee – Term to Expire September 14, 2022

Motion by Commissioner Pruitt, seconded by Commissioner Staton, upon recommendation of Mayor Steve Austin, to reappoint Dr. Melanie Lee to a four year term on the Parks and Recreation Commission. Said term to expire September 14, 2022.

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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MEETING ADJOURN:

MOTION by Commissioner Pruitt, 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 6:15 p.m.

ATTEST:

Steve Austin, Mayor
August 28, 2018

Maree Collins, CKMC
City Clerk