

CITY OF HENDERSON – RECORD BOOK

Record of Minutes of A Regular Meeting on May 24, 2016

A regular meeting of the Board of Commissioners of the City of Henderson, Kentucky, was held on Tuesday, May 24, 2016, 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 Larry Butler, Victory Baptist Church, followed by recitation of the Pledge of Allegiance to our American Flag.

There were present Mayor Steve Austin presiding:

PRESENT:

Commissioner Jan Hite
 Commissioner Robert M. (Robby) Mills
 Commissioner Jesse Johnston, IV
 Commissioner X R. Royster, III

ALSO PRESENT:

Mr. Russell R. Sights, City Manager
 Mrs. Dawn Kelsey, City Attorney
 Ms. Maree Collins, City Clerk
 Mr. William L. Newman, Jr. Assistant City Manager
 Mr. Robert Gunter, Finance Director
 Mr. Trace Stevens, Parks & Recreation Director
 Mr. Scott Foreman, Fire Chief
 Mrs. Connie Galloway, Human Resources Director
 Mrs. Donna Stinnett, Public Information Officer
 Mr. Tom Williams, Henderson Water Utility General Manager
 Mr. Leason Neel, HWU Chief Financial Officer
 Mr. Rodney Michael, HWU Director of Field Operations
 Mr. Dylan Ward, Public Works Engineer
 Q & S Contracting, Inc. Representative
 Mr. Alan Powell, President, AVP
 Mr. James Jarboe, Police Sergeant
 Ms. Laura Acchiardo, *the Gleaner*
 Mr. Blaine Fentress, 44 News Assignment Editor

APPROVAL OF CONSENT AGENDA:

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

Minutes: May 10, 2016, Regular Meeting
 May 18, 2016, Called Work Session

Resolution: 19-16 Resolution Accepting Grant Through the Evansville Metropolitan Planning Organization (EMPO) for the Transportation Alternatives Program (TAP) for Funds in the Amount of \$116,932.00 to be used for the North Green River Road Sidewalk Extension Project, and Authorizing Mayor to Execute the Application for the Funds

20-16 Resolution Authorizing the Submittal of a Grant Application for Public Transit Assistance

Motion by Commissioner X R. Royster, seconded by Commissioner Jesse Johnston, to approve the items on the Consent Agenda.

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

Commissioner Royster ---- Aye:
 Commissioner Mills ----- Aye:
 Commissioner Johnston --- Aye:
 Commissioner Hite ----- Aye:
 Mayor Austin ----- Aye:

WHEREUPON, Mayor Austin declared the consent items approved.

/s/ Steve Austin
 Steve Austin, Mayor
 May 24, 2016

ATTEST:

Maree Collins, City Clerk _____

ORDINANCE NO. 18-16: FIRST READ

ORDINANCE AMENDING EMPLOYEE MANUAL REGARDING HENDERSON WATER UTILITY (HWU) CHIEF FINANCIAL OFFICER POSITION

ORDINANCE AMENDING ARTICLE 10-PERSONNEL, OF THE EMPLOYEE MANUAL OF THE CITY OF HENDERSON, BY EXEMPTING HENDERSON WATER UTILITY (HWU) CHIEF FINANCIAL OFFICER POSITION FROM CIVIL SERVICE STATUS

MR. TOM WILLIAMS, HWU General Manager, explained that this change reflects the desire of the Board of Commissioners to remove department head positions from Civil Service status as they become vacant.

MOTION by Commissioner Robert M. Mills, seconded by Commissioner Jan Hite, that the ordinance be adopted.

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

Commissioner Royster ---- Aye:
 Commissioner Mills ----- Aye:
 Commissioner Johnston --- Aye:
 Commissioner Hite ----- 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. 19-16: FIRST READ

ORDINANCE AMENDING SEWER USE ORDINANCE

ORDINANCE AMENDING ARTICLE II, *WATER AND SEWER SERVICE*, OF CHAPTER 23, *UTILITIES*, SECTION 23-43, OF THE CODE OF ORDINANCES OF THE CITY OF HENDERSON

MR. TOM WILLIAMS, HWU General Manager, explained that this change relates to the removal of department head positions from Civil Service status.

MOTION by Commissioner Robert M. Mills, seconded by Commissioner Jan Hite, that the ordinance be adopted.

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

Commissioner Royster ---- Aye:
 Commissioner Mills ----- Aye:
 Commissioner Johnston --- Aye:

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Commissioner Hite ----- 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. 20-16: FIRST READ
ORDINANCE ADOPTING HENDERSON WATER UTILITY BUDGET
BUDGET AND APPROPRIATION ORDINANCE FOR THE FISCAL YEAR
COMMENCING JULY 1, 2016 AND ENDING JUNE 30, 2017 FOR HENDERSON WATER
UTILITY OF THE CITY OF HENDERSON, KENTUCKY

MR. TOM WILLIAMS, HWU General Manager, presented the Henderson Water Utility budget for adoption.

MOTION by Commissioner Jan Hite, seconded by Commissioner Jesse Johnston, that the ordinance be adopted.

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

Commissioner Royster ---- Aye:
Commissioner Mills ----- Aye:
Commissioner Johnston --- Aye:
Commissioner Hite ----- Aye:
Mayor Austin ----- Aye:

Mayor Austin congratulated Mr. Leason Neel, HWU Chief Financial Officer, on his years of service, dedication and hard work and wished him well in his future endeavors.

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. 21-16: FIRST READ
BUDGET AND APPROPRIATION ORDINANCE FOR THE FISCAL YEAR
COMMENCING JULY 1, 2016 AND ENDING JUNE 30, 2017 FOR THE CITY OF
HENDERSON, KENTUCKY

MOTION by Commissioner Jan Hite, seconded by Commissioner Robert M. Mills, that the ordinance be adopted.

MR. RUSSELL R. SIGHTS, City Manager, gave a brief overview of the proposed budget and the procedures used to complete the budgeting process. He went on to express his appreciation for the hard work of not only the members of the Budget Committee but also all those that helped in any way in the preparation of this FY 2017 budget. He then asked Finance Director Robert Gunter to review the changes that were made as a result of the work session.

MR. ROBERT GUNTER, Finance Director, indicated that there were minor changes, including reducing the Planning/GIS funding by \$3,500 to match the County's funding; and adding \$2,000 in the Golf and Recreation overtime line item for the new overtime rules that will become effective December 1st. Overall the General Fund budget stayed at \$31,930,000. The Sanitation Fund was increased to \$3,262,000 with the addition of \$18,000 to start the Transfer area for the Landfill.

MAYOR AUSTIN asked if there were any questions regarding the new overtime regulations or any other questions regarding the budget. Mr. Sights indicated that the overtime

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regulations were not discussed earlier because the information had not been received prior to the work session.

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

Commissioner Royster ---- Nay:
 Commissioner Mills ----- Aye:
 Commissioner Johnston --- Aye:
 Commissioner Hite ----- Aye:
 Mayor Austin ----- Aye:

MAYOR AUSTIN asked Commissioner Royster if he would like to explain his vote. Commissioner Royster indicated that he was still against the personnel upgrades without doing a full pay study evaluation.

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.

RESOLUTION NO. 21-16:

RESOLUTION APPROVING AMENDED AND RESTATED INTERLOCAL COOPERATION AGREEMENT BETWEEN THE CITY OF HENDERSON, HENDERSON COUNTY, WEBSTER COUNTY, AND UNION COUNTY WHICH ESTABLISHES A SOLID WASTE RECYCLING ALLIANCE WITH TRI-COUNTY RECYCLING ALLIANCE, INC. AS THE ADMINISTERING AGENCY

MRS. DAWN KELSEY, City Attorney explained that last Tuesday the Tri-County Recycling Alliance, Inc. and the Solid Waste Alliance Boards met to discuss the future of the Tri-County Recycling Alliance as a result of the operation being idled and how Tri-County will move forward. Under the current Agreement all participants are required to take recycling materials to the Recycling Center. Mrs. Kelsey indicated that she and Mr. Steve Gold, County Attorney, worked with the Tri-County Board to come up with a new Interlocal Agreement allowing participants to continue curbside recycling without being under contract with them. During this period of idleness Tri-County Recycling will work more toward receiving grants for special days like Hazardous Material Day and continue to provide recycling opportunities for all the participants.

MOTION by Commissioner X R. Royster, seconded by Commissioner Robert M. Mills to adopt the resolution approving the Amended and Restated Interlocal Cooperation Agreement between the City, Henderson County, Webster County and Union County establishing a Solid Waste Recycling Alliance with Tri-County Recycling Alliance, Inc. as the administering agency.

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

Commissioner Royster ---- Aye:
 Commissioner Mills ----- Aye:
 Commissioner Johnston --- Aye:
 Commissioner Hite ----- 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
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ATTEST:
 Maree Collins, City Clerk _____

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MUNICIPAL ORDER NO. 26-16:

MUNICIPAL ORDER APPROVING RECYCLING THROUGH SEPTEMBER 30, 2016 FOR COMMERCIAL BUSINESSES THAT WERE SERVED BY HENDERSON RECYCLING FOR \$5.00 PER MONTH FOR MATERIAL HANDLING FEE

MR. WILLIAM L. NEWMAN, JR., Assistant City Manager, explained that with the City assuming the residential curbside recycling process, a part of the community that is not being addressed as far as recycling within the city limits is the commercial accounts that have participated with Henderson Recycling in the past. There has been interest from that sector of the community that would like to participate and because our current curbside recycling agreement does not address the commercial side of things, this municipal order is necessary to include them as well.

MOTION by Commissioner X R. Royster, seconded by Commissioner Robert M. Mills, to adopt the municipal order approving recycling services through September 30, 2016 for commercial businesses that were served by Henderson Recycling. Each participating business will be charged a \$5.00 per month material handling fee.

COMMISSIONER JOHNSTON asked if the program would be voluntary. Mr. Newman answered that participation would be optional and that only those that participate will be charged the \$5.00 per month handling fee. Under the curbside recycling contract the 96 gallon bins are utilized and commercial participants will place the containers curbside on the appropriate day of the week that regular residential routes are picked up.

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

- Commissioner Royster ---- Aye:
- Commissioner Mills ----- Aye:
- Commissioner Johnston --- Aye:
- Commissioner Hite ----- 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
May 24, 2016

ATTEST:
Maree Collins, City Clerk _____

MUNICIPAL ORDER NO. 23-16:

MUNICIPAL ORDER AWARDING BID FOR THE DEMOLITION AND REMOVAL OF STRUCTURES FROM FIVE (5) PROPERTIES IN THE CITY OF HENDERSON TO HAZEX CONSTRUCTION COMPANY, INC., HENDERSON, KENTUCKY, IN THE TOTAL AMOUNT OF \$11,295.00

MR. RUSSELL R. SIGHTS, City Manager, indicated that these five identified properties would continue the Boards’ desire to remove dilapidated structures.

MR. WILLIAM L. NEWMAN, JR., Assistant City Manager, explained that the operating budget for the Codes department allocated funds specifically for the demolition of additional homes above and beyond what has been budgeted in the past. These five properties will complete the objective within the approved budget. Staff recommends that these structures be demolished as proposed.

MOTION by Commissioner Jan Hite, seconded by Commissioner Jesse Johnston, to award the bid for the demolition and removal of structures from five properties in the City to Hazex Construction Company, Inc. in the low bid amount of \$11,295.00.

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

Commissioner Royster ---- Aye:
 Commissioner Mills ----- Aye:
 Commissioner Johnston --- Aye:
 Commissioner Hite ----- 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
 May 24, 2016

ATTEST:

Maree Collins, City Clerk _____

MUNICIPAL ORDER NO. 24-16:

MUNICIPAL ORDER AWARDING BID FOR DESIGN AND CONSTRUCTION OF A NEW DRIVE-THRU CANOPY FOR THE MUNICIPAL CENTER'S FINANCE DEPARTMENT TO Q & S CONTRACTING, INC., SEBREE, KENTUCKY IN THE AMOUNT OF \$90,897.00

MR. RUSSELL SIGHTS, City Manager, explained that approximately 55,000 vehicles per year are processed through the one drive-thru window downstairs. As a result of all of this activity, cars are often backed up out into the street and have become a safety hazard. The project will include a second drive-thru lane utilizing some parking spaces; however, we believe that the disadvantage of that will be offset by the benefits of the overall project. Mr. Ward will be in charge of the project and at this time he will explain the bid process.

MR. DYLAN WARD, Public Works Engineer, gave a brief overview of the bid process indicating that this was unique in the since that it was a design build. The bid package included the engineering design as well as the construction of the canopy. This would include a structural engineer to size the foundation, size the rebar, size the steel to be partnered with the contractor to build the structure. Mr. Ward indicated that since this was something new to us and we didn't want to give a timeline that might detrimentally affect the overall price of the project it was determined to make this an evaluated bid criteria with 80% of the score based upon cost and 20% based on schedule. Downtime needed to kept to a minimum yet have a schedule that was cost effective. The two bids received were within \$97.00 of each other on cost with AVP having the lower cost; however when the schedule was factored in, Q & S was the low overall bidder and is recommended upon the criteria detailed in the bid package. This bid is for the canopy design and construction only and there will be another bid package for the actual track system that transports the payments.

MOTION by Commissioner Jan Hite, seconded by Commissioner Robert M. Mills, to adopt the municipal order awarding the bid for the design and construction of a new drive-thru canopy for the Municipal Center's Finance Department to Q&S Contracting, Inc. of Sebree, Kentucky in the amount of \$90,897.00.

MAYOR AUSTIN indicated that a representative from AVP had requested to speak to the Board of Commissioners.

MR. ALLAN POWELL, AVP President, 4869 Old Madisonville Road, stated that there was no timeframe indicated in the bid package and that if it was valuable to the City on a daily basis then there should have been a timeframe included to complete the project. He indicated you can't multiply days times dollars and wasn't given any way of determining how that 80% for the price and 20% for the schedule was going to be calculated. He further indicated he still doesn't know that because he wasn't provided that formula. He stated that if he had had that formula he might have played games himself and figured out how not to get beat. He further indicated that he was the low bidder, is a local tax payer, is paying property taxes to the City of

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Henderson on three or four properties, and doesn't understand how you calculate the difference to not give it to a low bidder based on five days.

MAYOR AUSTIN asked Mr. Ward to respond. Mr. Ward indicated that the reason a schedule was not included in the bid was that we had not done a project like this in the past where we asked for a design and build together, so we didn't want to give an unmanageable timeline. He further indicated that we would have loved to have had the drive-thru open in 30 days, but if we allowed 30 days and then found out that their schedule was 70 days there would need to be a lot of overtime work to get it completed within that 30 day limit. In the bid package it was clearly spelled out how the points were calculated. Total points out of 100 – 80% cost calculated using 80 points for the lowest price and if you were not the lowest price it would be 80 time the lowest price divided by the actual price, so you would get a fraction of the 80 points. AVP received 80 points for the lowest price and the proposed schedule was worth 20% that is calculated using 20 points for the quickest schedule, so Q&S received 20 points for quickest schedule and AVP received 20 times the quickest schedule divided by their schedule. He then passed out that sheet from the bid packet and his calculation sheet to show that the bids were very close, however, Q&S Construction was the lowest evaluated bid.

DISCUSSION WAS HELD. VERBATIM DISCUSSION IS AVAILABLE OF THIS MEETING

COMMISSIONER MILLS pointed out that the motion on the floor was to accept the recommendation.

MAYOR AUSTIN confirmed that the motion on the floor was to accept the recommendation to award the bid to Q & S Construction.

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

- Commissioner Royster ---- Nay:
- Commissioner Mills ----- Nay:
- Commissioner Johnston --- Nay:
- Commissioner Hite ----- Nay:
- Mayor Austin ----- Aye:

WHEREUPON, Mayor Austin declared the municipal order defeated, affixed his signature and the date thereto, and ordered that the same be recorded.

/s/ Steve Austin
Steve Austin, Mayor
May 24, 2016

ATTEST:
Maree Collins, City Clerk _____

MR. RUSSELL SIGHTS, City Manager, explained that for the second year in a row the city has participated in the reverse bid for road salt. Finance Director Robert Gunter will provide the results and recommendation.

MR. ROBERT GUNTER, Finance Director, indicated that this reverse auction was sponsored by Kentucky Association of Counties and Kentucky League of Cities and last year the price we paid for road salt was \$86.00 per ton and this year it is \$84.50 per ton. Currently we have about 120 to 150 tons in inventory and we will draw this down as needed.

MUNICIPAL ORDER NO. 25-16:
MUNICIPAL ORDER AWARING BID FOR PURCHASE OF 300 TONS OF ROAD SALT FOR 2016-2017 WINTER FROM COMPASS MINERALS AMERICA, INC., OVERLAND PARK, KANSAS IN THE AMOUNT OF \$84.50 PER TON

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MOTION by Commissioner Jan Hite, seconded by Commissioner Robert M. Mills, to award the bid for the purchase of 300 tons of road salt for the 2016-2017 winter season to Compass Minerals America, Inc. of Overland Park, Kansas, in the amount of \$84.50 per ton.

COMMISSIONER ROYSTER asked if this would be coming from the Evansville terminal if we had to pick it up? Mr. Gunter responded that it would be delivered but if we had to pick it up it would be at Owensboro.

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

Commissioner Royster ---- Aye:
 Commissioner Mills ----- Aye:
 Commissioner Johnston --- Aye:
 Commissioner Hite ----- 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
 May 24, 2016

ATTEST:

Maree Collins, City Clerk _____

CITY MANAGER’S REPORT:

MR. RUSSELL R. SIGHTS, City Manager, announced that the Farmers’ Market will start tomorrow in Audubon Mill Park. A Special Event Permit has been issued by the City and all requirements have been met for the event to be conducted from 4:00 p.m. to 8:00 p.m. each Wednesday through September 28th except Wednesday, June 13th due to W. C. Handy Festival activities.

COMMISSIONER’S REPORT:

COMMISSIONER JOHNSTON indicated that he would like to echo the City Manager’s comments thanking everyone for their hard work on the budget. Staff does an amazing job of putting this together.

COMMISSIONER HITE indicated that with this being her last budget season she too wanted to express her sincere gratitude to Mr. Gunter and his staff. All the work that is put into it makes it very easy to review what the City has; what is being spent; and revenues coming in. Commissioner Hite stated, “It has been a pleasure to work with you during this time.” And I do also want to reiterate my thanks to Mr. Ward and Mr. Newman. She indicated that she really does appreciate the ingenuity in coming up with a process that was a little bit out of the box and trying to figure out what was going to work best. She further indicated that she certainly doesn’t want to discourage that type of thinking because sometimes thinking outside the box produces the best results, it just happened that in this case she didn’t agree with the recommendation.

 APPOINTMENT: CIVIL SERVICE COMMISSION:
 ROBERT “BOB” FARMER - TERM TO EXPIRE JUNE 1, 2019

MOTION by Commissioner X R. Royster, seconded by Commissioner Robert M. Mills, upon recommendation of Mayor Austin, to appoint Robert “Bob” Farmer to the Civil Service Commission for a three year term ending June 1, 2019.

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

- Commissioner Royster ---- Aye:
- Commissioner Mills ----- Aye:
- Commissioner Johnston --- Aye:
- Commissioner Hite ----- Aye:
- Mayor Austin ----- Aye:

REAPPOINTMENT: CITY-COUNTY PLANNING COMMISSION:
BOBBIE JARRETT – TERM TO EXPIRE JUNE 1, 2020

Motion by Commissioner Robert M. Mills, seconded by Commissioner Jesse Johnston, upon recommendation of Mayor Steve Austin, to reappoint Bobbie Jarrett to a four-year term on the City-County Planning Commission. Said term to expire June 1, 2020

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

- Commissioner Royster ---- Aye:
- Commissioner Mills ----- Aye:
- Commissioner Johnston --- Aye:
- Commissioner Hite ----- Aye:
- Mayor Austin ----- Aye:

EXECUTIVE SESSION: LITIGATION

MOTION by Commissioner X R. Royster, seconded by Commissioner Jesse Johnston, to go into Executive Session pursuant to the provisions of KRS 61.810 (1) (c) for the discussion of pending litigation on behalf of the City involving the mass foreclosure.

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

- Commissioner Royster ---- Aye:
- Commissioner Mills ----- Aye:
- Commissioner Johnston --- Aye:
- Commissioner Hite ----- Aye:
- Mayor Austin ----- Aye:

MEETING RECONVENED:

MOTION by Commissioner Robert Mills, seconded by Commissioner Jan Hite, the Board of Commissioners reconvened in regular session.

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

- Commissioner Royster ---- Aye:
- Commissioner Mills ----- Aye:
- Commissioner Johnston --- Aye:
- Commissioner Hite ----- Aye:
- Mayor Austin ----- Aye:

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RESOLUTION NO. 22-16:

RESOLUTION AUTHORIZING THE ACCEPTANCE BY CITY OF HENDERSON A DEED FROM LAURA GREEN F/K/A LAURA GREEN THOMAS FOR PROPERTY LOCATED AT 1438 HELM STREET IN EXCHANGE FOR THE RELEASE OF CITY’S MECHANIC LIEN ON THE PROPERTY

MOTION by Commissioner X R. Royster, seconded by Commissioner Robert Mills, to adopt this resolution authorizing the acceptance by the City of a deed from Laura Green f/k/a Laura Green Thomas for property located at 1438 Helm Street in exchange for the release of the City’s Mechanic Lien on the property.

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

- Commissioner Royster ---- Aye:
- Commissioner Mills ----- Aye:
- Commissioner Johnston --- Aye:
- Commissioner Hite ----- 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
May 24, 2016

ATTEST:
Maree Collins, City Clerk _____

MEETING ADJOURN:

MOTION by Commissioner Jan Hite, seconded by Commissioner Robert M. Mills, to adjourn the meeting.

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

- Commissioner Royster ---- Aye:
- Commissioner Mills ----- Aye:
- Commissioner Johnston --- Aye:
- Commissioner Hite ----- Aye:
- Mayor Austin ----- Aye:

WITHOUT OBJECTION, Mayor Austin declared the Meeting adjourned at approximately 6:40 p.m.

Steve Austin, Mayor
June 14, 2016

ATTEST:

Maree Collins, City Clerk