

# CITY OF HENDERSON – RECORD BOOK

Record of Minutes of     A Regular     Meeting on     January 23, 2018    

A meeting of the Board of Commissioners of the City of Henderson, Kentucky, was held on Tuesday, January 23, 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 Dr. Chuck Summers, First Christian 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. Russell R. Sights, City Manager  
 Ms. Dawn Kelsey City Attorney  
 Ms. Maree Collins, City Clerk  
 Mrs. Donna Stinnett, Community Relations Manager/Public Information Officer  
 Mr. Trace Stevens, Parks, Recreation & Cemeteries Director  
 Mr. Robert Gunter, Finance Director  
 Mr. Jason Hargitt, Interim Police Chief  
 Mr. Jermaine Poynter, Police Major  
 Mr. Brian Williams, Public Works Director  
 Mr. Scott Foreman, Fire Chief  
 Mr. Dylan Ward, Public Works Engineer  
 Mrs. Jennifer Latimer, Executive Assistant  
 Mr. Chris Heimgartner, HMPL General Manager  
 Mr. Randal Redding, HMPL Attorney  
 Mr. Bryant Woodard, Henderson City/County Rescue Squad  
 Mr. Jeremy Lear, The Gathering Place Executive Director  
 Ms. Lindsey Lacosta, Downtown Henderson Partnership  
 Ms. Jordyn Myracle, Ohio Valley Art League  
 Mr. Davis Hunter  
 Ms. Linda Stone  
 Ms. Jeannie Amar  
 Ms. Lisa Bourland  
 Dr. Chuck Summers, First Christian Church  
 Mr. Mike Richardson, Reserve Police Officer  
 Mr. Doug White, *the Gleaner*  
 Ms. Paige Hagan, 14 News  
 Eyewitness News Cameraman

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PRESENTATION: Mr. Dylan Ward-Pocket Park Update

DYLAN WARD, Public Works Engineer, presented a brief update on the progress of the pocket park to be located on Second Street. He handed out two drawings that reference the conceptual design and scale of the project. Design items include: the pergola; stenciled concrete to look like wood flooring to distinguish the pathway to and in the sitting area; light wooden color tables, benches and planters to accommodate approximately 45 to 50 people; a large wooden stage with specialty lighting; strands of café lights incorporated from the stage area through the pergola seating area to tie the areas together; electrical outlets in the stage area and throughout the seating area for charging stations; canary or bird shaped bicycle racks; a sculpture; a mural on an adjoining building; game and book library boxes; and a smartboard kiosk that could be used for the community calendar and other real-time interactive activities. He further explained that the park was designed with ADA accessibility in mind so the walkways

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and tables are wheelchair accessible. The target construction completion date is mid-April. The pergola contractor has been given the Notice to Proceed so the Committee is awaiting final drawings. Certain items like the mural and the smartboard will be incorporated as funding becomes available.

COMMISSIONER STATON indicated that members of the Pocket Park Committee include: Buzzy Newman, Trace Stevens, Dylan Ward Kyle Hitner, Abby Dixon, Lindsey Lacosta, Jordan Myracle, Missy Vanderpool, Dawn Kelsey, Russell Sights, Austin Vowels and himself. He then reported on the budget for the project. The project was divided into four phases. The first phase will include concrete work to remove the current concrete and replace it with stamped concrete that looks like wood flooring. Funding for this portion of the project will come from the City’s concrete budget. Phase two includes the construction phase which the City contributed \$35,000.00 to help fund the pergola which will be in a dark bronze color. He indicated that this has been a community wide effort with Tri-County Labor volunteering approximately \$27,500.00 in-kind labor to build the wooden stage, benches, tables, and planters. The phase two budget includes approximately \$7,500.00 for materials for the benches, tables, planters and bike racks; \$1,500.00 for the café lighting; \$1,000.00 for video surveillance equipment for a total of approximately \$58,374.00. Phases three and four will include a mural on the side of the Hilliard Lyons building which is estimated at \$26,000.00 and then the smartboard kiosk is budgeted at \$18,000.00. Other monetary contributions include a grant of \$35,000.00 from the Preston Foundation, \$5,000.00 from the Audubon Board of Realtors and private donations to the Ohio Valley Arts League of \$4,500 for the mural leaving \$22,874.00 unfunded. The Downtown Henderson Partnership and OVAL are conducting fundraising activities and anticipate raising the remaining funds through private contributions.

Motion by Commissioner Staton, seconded by Commissioner Bugg, to accept the proposed design plans for the pocket park to be located at 225 Second Street and to approve the proposed budget including the sources of funding for the pocket park and the expenditure of those funds and to accept the donation of labor to the project and the budget amendment for these additional expenses will be presented by the City Manager during the mid-year budget review in February.

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

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

APPROVAL OF CONSENT AGENDA:

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

Minutes:           January 9, 2018, Regular Meeting

Resolutions: 03-18: Resolution Authorizing the Submission of Grant Application to Transportation Cabinet, Kentucky Office of Highway Safety, in the Amount of \$26,000.00 for the Police Department, and Acceptance of Grant if Awarded

04-18: Resolution Approving Agreement Between the Henderson City/County Rescue Squad, the City of Henderson, the County of Henderson, and Henderson Emergency Management

Motion by Commissioner Pruitt, seconded by Commissioner Vowels, to approve the items on the Consent Agenda as presented.

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

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

WHEREUPON, Mayor Austin declared the consent agenda items approved.

/s/ Steve Austin  
Steve Austin, Mayor  
January 23, 2018

ATTEST:  
Maree Collins, City Clerk \_\_\_\_\_

### CITY MANAGER SELECTION PROCESS

MOTION by Mayor Austin, seconded by Commissioner Bugg, to approve the City Manager Selection Process schedule as presented at the Called Work Session with a target hire date of late March 2018, and due to time constraints authorizing the Mayor final approval of the advertisements for the position.

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

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

### ORDINANCE NO. 01-18 SECOND READ

#### ORDINANCE AMENDING CHAPTER 4 – ALCOHOLIC BEVERAGES

AN ORDINANCE AMENDING CHAPTER 4, *ALCOHOLIC BEVERAGES*, ARTICLE I, *IN GENERAL*, SECTION 4-15 *HOURS OF SALE AND DELIVERY; SUNDAY SALES IN QUALIFIED ESTABLISHMENTS* TO CHANGE HOURS OF SUNDAY SALES BY THE DRINK AND TO REMOVE THE SEATING REQUIREMENT OF FIFTY PEOPLE AND FIFTY PERCENT OF THE GROSS REVENUES FROM FOOD SALES AND TO ALLOW SUNDAY SALES FOR QUOTA RETAIL PACKAGE LICENSEES AND NONQUOTA RETAIL MALT BEVERAGE PACKAGE LICENSEES IN THE CODE OF ORDINANCES OF THE CITY OF HENDERSON

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

PASTOR JEANNIE AMAR, River of Life Church and LISA BOURLAND, The Father’s House Church, spoke against the proposed changes to Sunday Sales of alcohol. Pastor Amar stated that “As I was thinking and praying, the first word that came to my mind is honor. The scripture says to honor the Sabbath day and keep it holy.” She concluded that she loves our city and asked kindly to honor and vote no. Ms. Bourland indicated that as we look through the history of our country it seems as if a chisel has been taken to the things our forefathers honored, chiseling away to the point where we aren’t even recognizable as a Christian country.

DAVIS HUNTER and LINDA STONE spoke in favor of the proposed changes to Sunday Sales of alcohol. Mr. Hunter stated that he sees this as an opportunity to have a tangible, positive impact on our local businesses. He indicated that he appreciated all the research and deliberation that the Commissioners had done before making their decision, and that he believes that the pros outweigh the cons. Ms. Stone, Algonquins III, pointed out that alcohol sales are

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legal at other times when people worship and saw no difference between Sunday night and Wednesday night. She indicated that she believed this would be beneficial to the City and asked that the Commission vote yes.

MAYOR AUSTIN thanked the speakers for their comments.

COMMISSIONER VOWELS indicated that he had a few thoughts from the last meeting and would like to add just a little more to that. He stated that he is a Christian and as a Catholic may view alcohol differently than other religions “but respects your opinions and your religions, and he respectfully disagrees with your decision.”

COMMISSIONER PRUITT indicated that he doesn’t drink but would never try to force his religious beliefs on someone else. While he understands the logic behind altering rules so that all establishments are on the same playing field, and not just allowing larger restaurants to serve drinks on Sunday he stated that he would prefer no drinking on Sunday in Henderson.

COMMISSIONER BUGG indicated that for the benefit of those that were not at the last meeting so they would know why she is voting no, she wanted to again share the prepared statement citing statistics relating to accidents and deaths due to driving while under the influence and alcohol abuse and consumption risk factors.

COMMISSIONER STATON indicated that this is one of the tougher votes this Commission has had. He indicated that this change is not a vote for or against alcohol sales on Sundays as it is already legal to purchase alcohol by the drink on Sundays in Henderson at certain restaurants. He stated that safety is of great concern for him and he believes that having package sales available on Sunday might lower the risk of someone going to a restaurant to drink and then driving home under the influence. He stated that this change will not impact anyone’s ability to worship on Sunday nor does it force anyone to drink on Sunday.

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

Commissioner Staton ----- Aye:  
 Commissioner Pruitt ----- Nay:  
 Commissioner Bugg ----- Nay:  
 Commissioner Vowels --- 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  
 January 23, 2018

ATTEST:

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

**ORDINANCE NO. 02-18: FIRST READ**

**ORDINANCE AMENDING PARKS AND RECREATION**

**AN ORDINANCE AMENDING CHAPTER 17, *PARKS AND RECREATION*, ARTICLE I - *IN GENERAL*, BY ADDING SECTION 17-3. *GOLF COURSE FEES* AND AMENDING ARTICLE III - *SPECIAL EVENTS*, SECTION 17-52, *INDEMNIFICATION OF THE CODE OF ORDINANCES OF THE CITY OF HENDERSON***

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

DAWN KELSEY, City Attorney, indicated that this amendment is part of the ordinance review and that this will clarify that fees will be set by resolution from time-to-time by the Board.

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

- Commissioner Staton ----- Aye:
- Commissioner Pruitt ----- Aye:
- Commissioner Bugg ----- Aye:
- Commissioner Vowels --- 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. 03-18: FIRST READ**  
**ORDINANCE REPEALING CHAPTER 6, SECTION 6-3**  
**AN ORDINANCE REPEALING CHAPTER 6, ANIMALS, SECTION 6-3 PURSUING, INJURING, KILLING OF ANIMALS AND BIRDS OF THE CODE OF ORDINANCES OF THE CITY OF HENDERSON**

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

DAWN KELSEY, City Attorney, explained that this amendment is part of ordinance review and that this section is preempted by state law and needs to be removed from our ordinances.

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

- Commissioner Staton ----- Aye:
- Commissioner Pruitt ----- Aye:
- Commissioner Bugg ----- Aye:
- Commissioner Vowels --- 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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**RESOLUTION 05-18:**  
**RESOLUTION AUTHORIZING SUBMITTAL OF GRANT APPLICATION TO THE U.S. DEPARTMENT OF HOMELAND SECURITY, FEDERAL EMERGENCY MANAGEMENT AGENCY UNDER THE ASSISTANCE TO FIREFIGHTERS GRANT PROGRAM, IN THE AMOUNT OF \$67,000.00 WITH A 10% MATCH TO PURCHASE GEAR CLEANING AND REPAIR MATERIALS FOR THE FIRE DEPARTMENT, AND ACCEPTING GRANT IF AWARDED**

MOTION by Commissioner Staton, seconded by Commissioner Vowels, to adopt the resolution authorizing submission of a grant application, and accepting grant if awarded, to the Assistance to Firefighters Grant Program for gear cleaning equipment and gear repair materials in the amount of \$67,000.00 with a 10% match.

SCOTT FOREMAN, Fire Chief, indicated that in recent years the fire service industry has been pushing for the protection of firefighters against exposure to cancer causing agents. Chemicals that are deposited on a firefighter’s turn-out gear can be harmful and require special cleaning techniques and specialized equipment. He reported that this grant would allow the department to provide the equipment to clean gear under certain circumstances instead of sending the gear out for cleaning and out of service for weeks at a time. Also included in the grant would be materials to complete small repairs in-house, again keeping gear in service longer.

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

- Commissioner Staton ----- Aye:
Commissioner Pruitt ----- Aye:
Commissioner Bugg ----- Aye:
Commissioner Vowels --- 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
January 23, 2018

ATTEST:
Maree Collins, City Clerk

RESOLUTION 06-18:
RESOLUTION ACCEPTING THREE POSSIBLE NAMES FOR THE NEW POCKET PARK AND APPROVAL ON HOW TO DETERMINE THE NAME FOR THE PARK

MOTION by Commissioner Staton, seconded by Commissioner Vowels, to adopt the resolution accepting three possible names for the new pocket park located at 225 Second Street, and approving the process designated by the Pocket Park Committee on how to name the park.

COMMISSIONER STATON, indicated that the Committee has fielded several dozen names and has narrowed it down to the following three proposed names: The Perch, Canary Square, and The Nesting Place.

DAWN KELSEY, City Attorney, indicated that the Board of Commissioners would not be restricted to use one of these names. These are the Committee’s recommendations.

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

- Commissioner Staton ----- Aye:
Commissioner Pruitt ----- Aye:
Commissioner Bugg ----- Aye:
Commissioner Vowels --- 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
January 23, 2018

ATTEST:
Maree Collins, City Clerk

RESOLUTION 07-18:
RESOLUTION AWARDDING BID FOR PURCHASE OF STREET SWEEPER TO CMI EQUIPMENT SALES, INC., NASHVILLE, TENNESSEE IN THE AMOUNT OF \$210,650.00

MOTION by Commissioner Pruitt, seconded by Commissioner Staton, to adopt the resolution awarding the bid for the purchase of a street sweeper to CMI Equipment Sales, Inc., of Nashville, Tennessee, in the amount of \$210,650.00 in strict accordance with its bid as submitted pursuant to Bid Reference 18-02.

RUSSELL R. SIGHTS, City Manager, indicated that the Board had previously authorized advertising for the new street sweeper to replace the one that was destroyed by fire. There was a

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small insurance reimbursement but the plan is, once awarded, it will be included in the mid-year budget appropriation review.

BRIAN WILLIAMS, Public Works Director, indicated that this would be a newer version of the one that was destroyed. The bid came in very close to the estimated price and should be delivered in approximately two to four weeks compared to a six to eight month timeframe from the other vendor.

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

Commissioner Staton ----- Aye:  
 Commissioner Pruitt ----- Aye:  
 Commissioner Bugg ----- Aye:  
 Commissioner Vowels --- 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  
 January 23, 2018

ATTEST:

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

MUNICIPAL ORDER NO. 02-18:

MUNICIPAL ORDER AWARDING BID FOR PURCHASE OF FOUR (4) PATROL/PURSUIT VEHICLES TO STERNBERG, INC., JASPER, INDIANA, IN THE AMOUNT OF \$129,522.00; AND FOR ONE (1) SEDAN TO TOWN AND COUNTRY FORD OF EVANSVILLE, INDIANA IN THE AMOUNT OF \$21,301.08, FOR THE POLICE DEPARTMENT

MOTION by Commissioner Pruitt, seconded by Commissioner Bugg, to adopt the municipal order awarding the bid for the purchase of four patrol/pursuit vehicles to Sternberg, Inc., Jasper, Indiana in the amount of \$129,522.00; and for one sedan to Town and Country Ford of Evansville, Indiana in the amount of \$21,301.08, in strict accordance with their bids as submitted pursuant to Bid Reference 18-01.

RUSSELL R. SIGHTS, City Manager, indicated that these are budgeted purchases and that the patrol/pursuit vehicles are Dodge Chargers and the sedan is a Ford Taurus. He reported that we had a first-time bidder, Gillie Hyde Chrysler of Glasgow. He indicated that they have a reputation for being competitive in the municipal market however, this time their low bid on the sedan did not meet specifications.

JASON HARGITT, Interim Police Chief, reported that this purchase is regular rotation of the fleet to keep costs down. He reported that the front wheel drive Dodge Charges did well during the recent ice and snow and that is why the specifications were written for either front wheel drive or all wheel drive vehicles. The sedan submitted by Gillie Hyde was rear wheel drive and did not meet specifications.

DISCUSSION WAS HELD regarding how and when the costs would be incurred for the in-car camera system and other equipment-equipment is ordered and installed after vehicles are received; and the confusing wording in the bid specifications when allowing either/or on front wheel drive and all-wheel drive. The Finance department will review specifications for future bids.

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

Commissioner Staton ----- Aye:  
 Commissioner Pruitt ----- Aye:

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

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

/s/ Steve Austin  
Steve Austin, Mayor  
January 23, 2018

ATTEST:  
Maree Collins, City Clerk \_\_\_\_\_

RESOLUTION 08-18:

RESOLUTION APPROVING AGREEMENT WITH THE AUDUBON KIDS ZONE ALLOCATING UP TO \$12,300.00 TO PAVE ITS PARKING LOT LOCATED AT 1325 POWELL STREET WHERE THE CITY OF HENDERSON’S POLICE DEPARTMENT SUBSTATION IS LOCATED IN THE BUILDING

MOTION by Commissioner Staton, seconded by Commissioner Bugg, to adopt the resolution approving an Agreement with the Audubon Kids Zone allocating up to \$12,300.00 to pave its parking lot located at 1325 Powell Street where the City’s Police Department has located a Substation in the building.

RUSSELL R. SIGHTS, City Manager, indicated that Audubon Kids Zone had requested funds to help with paving their parking lot located at 1325 Powell Street. He explained that this would be a grant for them to do their own paving project. Funds would come from the \$50,000.00 that was set out in the budget under Special Projects for two East End home improvement grants.

COMMISSIONER STATON, clarified that the \$50,000.00 was designated as part of the budget for two projects that he had requested and will no longer move forward. He indicated that there were some legal hurdles to implementing the projects and this new purpose is within the intent of that money. He indicated that he is excited about the idea of having a permanent substation at the Audubon Kids Zone location.

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

Commissioner Staton ----- Aye:  
Commissioner Pruitt ----- Aye:  
Commissioner Bugg ----- Aye:  
Commissioner Vowels --- 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  
January 23, 2018

ATTEST:  
Maree Collins, City Clerk \_\_\_\_\_

CITY MANAGER’S REPORT:

RUSSELL R. SIGHTS, City Manager, reported that Mayor Austin and Commissioner Staton have requested that the remaining balance of \$37,700.00 from the \$50,000.00 budget for the two East End Projects be used for the paving of several alleyways. Staff has estimated that the eight alleyways would cost a little over \$36,000.00.



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MAYOR AUSTIN interjected that these alleyways are heavily used and connect to a lot of businesses and homes in the Gateway system and also some are hill portions that the trash collectors have problems with.

MOTION by Commissioner Staton, seconded by Commissioner Pruitt, to approve reallocation of \$37,700.00 from the Special Projects east End Home Improvement line items to be used for the following alleyway improvements: First Street to Holloway Street; Alvasia to Alves Street between First and Second Street; Alvasia to Holloway between First and Second Street; 804 Clay Street South (hill portion); 823 Washington Street (hill portion); 935 North Elm Street (hill portion); 460 South Adams Street (hill portion); and 421 Plum Street (hill portion).

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

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

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RUSSELL R. SIGHTS, City Manager, reported that the Gathering Place has requested to have restrooms renovated to bring them into ADA compliance. The building when it was built was not required to be ADA compliant.

JEREMY LEAR, The Gathering Place Executive Director, explained that about six months ago the City received a formal complaint that the restrooms at the Gathering Place are not ADA compliant. He indicated that at that time the Mayor and City Manager authorized Skinner and Associates to work up an estimate, which has been included in your packet. The estimate for all four restrooms is about \$60,000.00.

DISCUSSION WAS HELD regarding the age of the building; the condition of all four restrooms; that because there is an elevator either the upstairs or the downstairs restrooms could be renovated and put it in compliance; that 95% of activities take place upstairs; that the City would have to conduct the bid as it is a City owned property; whether to bid all four, or only two restrooms; and whether or not to conduct it as an evaluated bid.

It was determined that the Finance department would specify the upstairs and downstairs in separate groups so that the Board of Commissioners could determine how many and which ones to renovate in an evaluated bid format.

MOTION by Commissioner Staton, seconded by Commissioner Pruitt, to authorize staff to proceed with bid specifications for an evaluated bid set out in groups of two on the restroom renovations at The Gathering Place.

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

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

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RUSSELL R. SIGHTS, City Manager, reported that the topic for discussion at the regular February Work Session scheduled for February 20<sup>th</sup> will be the mid-year financial review.

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COMMISSIONERS’ REPORT:

COMMISSIONER PRUITT indicated that his thoughts and prayer go out to the people of Benton and Marshall County. He stated that he doesn’t know when these mass shootings will stop, but he prays that they will stop soon. He also sent prayers to the Jody Jenkins family for their loss.

Commissioner Pruitt reported that he would be remiss if he didn’t mention all the hard work that the water department personnel put in when a water main broke in front of his house. They worked into the wee hours of the morning in sub-zero temperatures with freezing cold water shooting up all around them until they completed the job.

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COMMISSIONER BUGG stated that she is “proud to serve with all of you because we can agree to disagree in a professional and respectful manner.”

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MAYOR AUSTIN reported that in December a PEAK pre-paid gas plan was brought forward that has now been completed and should provide a small pricing advantage for our customers in the future. He further reported that like other surrounding communities our Public Works department has been working on all those potholes. The State Department has also been out filling potholes. He thanked everybody that worked on the snow and the potholes that resulted.

Mayor Austin announced that six firms in Henderson have been honored on the Best Places to Work in Kentucky list by the Kentucky Chamber of Commerce and the Kentucky Society of Human Resource Management. The companies are Air Hydro Power, Edward Jones, Farm Credit Mid-America, Hilliard Lyons, Independence Bank and People Plus Incorporated. Congratulations to those companies.

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EXECUTIVE SESSION: Litigation

MOTION by Commissioner Bugg, seconded by Commissioner Staton, to go into Executive Session pursuant to KRS 61.810(1)(c) for the purpose of discussion of pending litigation against the City.

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

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

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MEETING RECONVENED:

MOTION by Commissioner Pruitt, seconded by Commissioner Bugg, the Board of Commissioners reconvened in regular session.

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

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

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RESOLUTION NO. 09-18:

RESOLUTION AUTHORIZING HENDERSON MUNICIPAL POWER AND LIGHT (HMPL) GENERAL MANAGER, CHRIS HEIMGARTNER AND MAYOR STEVE AUSTIN TO TAKE ANY AND ALL ACTION NECESSARY TO PROPERLY APPEAL THE ORDER ENTERED IN THE APPLICATION OF BIG RIVERS ELECTRIC CORPORATION FOR DECLARATORY ORDER BEFORE THE KENTUCKY PUBLIC SERVICE COMMISSION, CASE NO. 2016-00278

MOTION by Commissioner Staton, seconded by Commissioner Bugg, to adopt the resolution authorizing Henderson Municipal Power and Light General Manager Chris Heimgartner and Mayor Steve Austin to take all action necessary to appeal the Order entered by the Public Service Commission in Case No: 2016-00278.

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

- Commissioner Staton ----- Aye:
- Commissioner Pruitt ----- Aye:
- Commissioner Bugg ----- Aye:
- Commissioner Vowels --- 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  
January 23, 2018

ATTEST:  
Maree Collins, City Clerk \_\_\_\_\_

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

WITHOUT OBJECTION, Mayor Austin declared the Meeting adjourned at approximately 7:20 p.m.

ATTEST:  
  
\_\_\_\_\_  
Maree Collins, City Clerk

\_\_\_\_\_  
Steve Austin, Mayor  
February 13, 2018