

A regular meeting of the Board of Commissioners of the City of Henderson, Kentucky, was held on Tuesday, January 10, 2012, 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 Andy Weaver, Audubon Baptist Church, and Mayor Steve Austin lead the assemblage in the recitation of the Pledge of Allegiance to our American Flag.

There were present Mayor Steve Austin presiding:

PRESENT:

Commissioner Robert M. (Robby) Mills
Commissioner Robert N. Pruitt
Commissioner Alan C. Taylor
Commissioner Mike Farmer

ALSO IN ATTENDANCE INCLUDED:

Mr. Russell R. Sights, City Manager
Mr. William (Buzzy) Newman, Assistant City Manager
Mr. Joe Ternes, City Attorney
Mrs. Carolyn Williams, City Clerk
Mr. Danny Froehlich, Fire Chief
Mr. Owen Reeves, Gas System Director
Mr. Tom Menner, Gas Operations Manager
Mrs. Connie Galloway, Human Resources Director
Mrs. Frances Malony, Benefits Coordinator
Mrs. Kathy Ferrell, City-County Planning Commission Director
Mr. Curt Freese, City-County Planning Commission Assistant Director
Mr. X. R Royster, Public Works Director
Mr. John Reed, Police Chief
Mr. Bruce Shipley, HWU General Manager
Mr. Leason Neel, HWU Chief Financial Officer
Mr. Bill Markwell
Mr. Tom Davis
Mr. Mike Richardson, Police Reserve Officer
Mr. Frank Boyett, *The Gleaner*

PRESENTATION: Report on Prescription Drug Disposal Options

POLICE CHIEF, JOHN REED stated that two or three months ago, Commissioner Pruitt asked about the possibility of getting some type of outlet or a drug drop box that citizens could dispose of outdated or unused drugs. Upon investigation we found that one option would be to purchase, or get through grant funding, a box for the disposal of unneeded drugs. At that time, there were no grants funds available but we did find out that the National Association of Drug Diversion investigators have purchased some of those boxes. After looking at several alternatives, we are recommending that the drugs might be collected on a Saturday somewhere between 9 a.m. and 2 p.m. and collect the drugs every other month. If need be, we could move the collection to every month. Chief Reed continued by saying that he had talked to the Police Chief in Owensboro and they plan to take their drugs to a drug incinerator in Indianapolis. They have agreed to take our disposed drugs along with theirs and a minimal charge would be possible.

COMMISSIONER PRUITT agreed that this plan was a good place to start.

MAYOR AUSTIN told Chief Reed that he appreciated the research on these various plans. The mayor also commented that he had visited with two Federal Marshalls here in Henderson and they complimented the Henderson Police Department and the Henderson County Sheriff’s Department for working with them on their investigation on an illegal drug problem.

APPROVAL OF CONSENT AGENDA:

MAYOR AUSTIN asked Carolyn Williams, City Clerk, to read the following items included on the Consent Agenda:

Minutes: December 13, 2011, Regular Meeting

Resolutions: Resolution No. 01-12: Resolution Awarding Bid for Purchase of Concrete Labor to Hazex Construction Company, Inc., of Henderson, Kentucky

Resolution No. 02-12: Resolution Awarding Bid for Purchase of Cement Concrete to Irving Materials, Inc., of Henderson, Kentucky

Resolution No. 03-12: Resolution Awarding Bid for Purchase of Limestone and Sand to Mulzer Crushed Stone, Inc., Tell City, Indiana

MOTION by Commissioner Taylor, seconded by Commissioner Farmer, to approve the Consent Agenda.

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

Commissioner Mills ----- Aye:
Commissioner Farmer ----- Aye:
Commissioner Pruitt ----- Aye:
Commissioner Taylor ----- Aye:
Mayor Austin ----- Aye:

ORDINANCE NO 47-11: SECOND READING
ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF HENDERSON FOR PROPERTY LOCATED AT 1004 SOUTH GREEN STREET CONTAINING A TOTAL OF 11,440 SQUARE FEET FROM RESIDENTIAL OFFICE (R-O) TO GENERAL BUSINESS (GB) HARVEY AND MOLLY ERSHIG, OWNERS

On second reading of the Ordinance, it was moved by Commissioner Pruitt, seconded by Commissioner Mills, that the Ordinance be adopted.

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

Commissioner Mills ----- Aye:
Commissioner Farmer ----- Aye:
Commissioner Pruitt ----- Aye:
Commissioner Taylor ----- 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 10, 2012

ATTEST:
Carolyn Williams, City Clerk

ORDINANCE NO 49-11: SECOND READING
ORDINANCE AMENDING ARTICLE 248, EMPLOYEE EDUCATION
PROGRAM OF THE EMPLOYEE MANUAL TO INCREASE THE TUITION
REIMBURSEMENT AMOUNT FROM \$450 PER SEMESTER TO SEVENTY-FIVE
PERCENT (75%) OF TUITION COST UP TO A MAXIMUM OF \$750 PER
SEMESTER AND NOT TO EXCEED \$1,500 IN A FISCAL YEAR

On second reading of the Ordinance, it was moved by Commissioner Mills, seconded by Commissioner Farmer, that the Ordinance be adopted.

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

- Commissioner Mills ----- Aye:
- Commissioner Farmer ----- Aye:
- Commissioner Pruitt ----- Aye:
- Commissioner Taylor ----- 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 10, 2012

ATTEST:
Carolyn Williams, City Clerk

ORDINANCE NO. 01-12: FIRST READING
ORDINANCE ACCEPTING PUBLIC IMPROVEMENTS IN CANOE CREEK
SUBDIVISION-SECTION 8, CONSISTING OF ASPHALT ROADWAY WITH CURB
AND GUTTERS, AND SIDEWALK

On first reading of the Ordinance, it was moved by Commissioner Pruitt, seconded by Commissioner Taylor, that the Ordinance be adopted.

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

- Commissioner Mills ----- Aye:
- Commissioner Farmer ----- Aye:
- Commissioner Pruitt ----- Aye:
- Commissioner Taylor ----- 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. 02-12: FIRST READING
ORDINANCE ADOPTING BY REFERENCE THE 2012 EDITION OF
NFPA 54 (THE NATIONAL FUEL GAS CODE). AND ALL SUBSEQUENT
AMENDMENTS AND ADDITIONS THERETO, AND WITH CERTAIN
REQUIREMENTS OF THE CITY OF HENDERSON; AND AMENDING AND/OR
REPEALING CERTAIN SECTIONS OF GAS SERVICES PROVISIONS IN CITY'S
CODE OF ORDINANCES

On first reading of the Ordinance, it was moved by Commissioner Mills, seconded by Commissioner Pruitt, that the Ordinance be adopted.

DISCUSSION WAS HELD. VERBATIM DISCUSSION IS ON TAPE OF THIS MEETING.

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

- Commissioner Mills ----- Aye:
- Commissioner Farmer ----- Aye:
- Commissioner Pruitt ----- Aye:
- Commissioner Taylor ----- 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.

REMOVE FROM TABLE: ORDINANCE NO. 48-11
ORDINANCE AMENDING PROPERTY ASSESSMENT MORATORIUM
ORDINANCE BY DESIGNATING ZONING DISTRICTS WITHIN THE CITY OF
HENDERSON WHERE MORATORIUM APPLIES TO INCLUDE CENTRAL
BUSINESS (CBD), GENERAL BUSINESS (GB), HIGHWAY COMMERCIAL (HC),
RESIDENTIAL OFFICE (RO), NEIGHBORHOOD BUSINESS (NB) AND
RIVERFRONT (RF-2)

Commissioner Taylor withdrew his motion and Commissioner Farmer withdrew his second.

ORDINANCE NO. 03-12: FIRST READING
ORDINANCE AMENDING PROPERTY ASSESSMENT MORATORIUM
ORDINANCE BY DESIGNATING ZONING DISTRICTS WITHIN THE CITY OF
HENDERSON WHERE MORATORIUM APPLIES TO INCLUDE CENTRAL
BUSINESS (CBD), GENERAL BUSINESS (GB), HIGHWAY COMMERCIAL (HC),
RESIDENTIAL OFFICE (RO), NEIGHBORHOOD BUSINESS (NB) RESIDENTIAL
OFFICE (R0), NEIGHBORHOOD BUSINESS (NB), AND RIVERFRONT (RF-2),
AND ALLOWING DEMOLITION OF EXISTING STRUCTURE IF
ECONOMICALLY JUSTIFIED

On first reading of the Ordinance, it was moved by Commissioner Farmer, seconded by Commissioner Mills, that the Ordinance be adopted.

COMMISSIONER MILLS relayed a concern from Ms. Beth Strawn, Downtown Henderson Project's Director, that with the Central Business District being listed in this ordinance and the possibility of encouragement to tear down older buildings and replacing them with new buildings in the CBD.

MR. JOE TERNES, CITY ATTORNEY, assured Commissioner Mills that this amendment to the ordinance is the definition of repair, rehabilitation, and restoration and

includes the demolition of a structure and rebuilding it if that would be economically feasible.

COMMISSIONER FARMER stated that the use of the word “encourage” was not what he read in this ordinance.

COMMISSIONER MILLS explained that DHP was concerned with the integrity of the downtown buildings but he agreed that the economics of any such venture would make the decision and he agreed to let the ordinance stand.

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

Commissioner Mills -----	Aye:
Commissioner Farmer -----	Aye:
Commissioner Pruitt -----	Aye:
Commissioner Taylor -----	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.

RESOLUTION NO. 04-12

RESOLUTION AMENDING RESOLUTION NO. 78-11 WHICH PROVIDES FOR BENEFIT FOR EMPLOYEES WAIVING CITY HEALTH INSURANCE COVERAGE TO ALLOW EMPLOYEES WHO BECOME ELIGIBLE FOR WAIVER BENEFIT DURING THE COURSE OF YEAR TO RECEIVE PRO-RATED BENEFIT, AND TO ALLOW EMPLOYEES WHO RESIGN OR RETIRE TO TRANSFER ANY UNUSED WAIVER BENEFITS TO HEALTH REIMBURSEMENT ARRANGEMENT (HRA) ACCOUNTS

MOTION by Commissioner Pruitt, seconded by Commissioner Taylor, to include a pro rata provision for employees that become eligible for the benefit during the coverage year.

DISCUSSION WAS HELD. VERBATIM DISCUSSION IS ON TAPE OF THIS MEETING.

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

Commissioner Mills -----	Aye:
Commissioner Farmer -----	Aye:
Commissioner Pruitt -----	Aye:
Commissioner Taylor -----	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 10, 2012

ATTEST:
Carolyn Williams, City Clerk

RESOLUTION NO. 05-12
RESOLUTION OF THE CITY OF HENDERSON, KENTUCKY (“CITY”)
AUTHORIZING THE EXECUTION OF A GAS SALE CONTRACT (“CONTRACT”)
WITH THE PUBLIC ENERGY AUTHORITY OF KENTUCKY (“PEAK”) FOR THE
PURCHASE OF NATURAL GAS FROM PEAK; ACKNOWLEDGING THAT PEAK
WILL ISSUE IT’S GAS SUPPLY REVENUE BONDS TO FUND THE PURCHASE
OF A SUPPLY OF NATURAL GAS FROM SOONER GAS TRUST (“SOONER”),
WHICH GAS WILL BE USED TO MAKE DELIVERIES UNDER THE CONTRACT;
AND FOR OTHER PURPOSES

MOTION by Commissioner Pruitt, seconded by Commissioner Taylor, to adopt the resolution authorizing the execution of a contract of a Gas Supply Contract with the Public Energy Authority of Kentucky, Inc. (PEAK)

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

- Commissioner Mills ----- Aye:
- Commissioner Farmer ----- Aye:
- Commissioner Pruitt ----- Aye:
- Commissioner Taylor ----- 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 10, 2012

ATTEST:
Carolyn Williams, City Clerk

CITY MANAGER’S REPORT:

MR. RUSSELL R. SIGHTS, CITY MANAGER, relayed that bids have been taken on contractual meter reading and Finance received only one bid. The anticipated savings were not what Mr. Robert Gunter, Finance Director, had hoped for. He hoped for a savings of \$10,000 or a little more but the bid turned out to be \$7,542 and based on that Mr. Sights recommended that no further action be taken and we stay where we are.

MAYOR AUSTIN thanked the department heads for looking at this and looking for opportunities that will make the City more efficient.

COMMISSIONER PRUITT stated that he wanted to commend staff for looking at this and to also commend the Board for coming to a conclusion that he thought that we should be coming to and keeping our city workers under direction of the City Manager and going forward because he believes in the city workers and thinks that, compared to anyone else, they are doing the best job if given the opportunity.

COMMISSIONER’S REPORTS:

COMMISSIONER FARMER stated that the City has been granted the second cycle of the sidewalk funding on Sand Lane. He continued by commending Buzzy Newman, Tammy Willett, and Doug Boom for their involvement in this project. Commissioner Farmer asked for an update on the new fire station.

FIRE CHIEF, DANNY FROEHLICH told the audience that at the last construction meeting that they had, he was told that they were one to two weeks behind

schedule because of the rains in December but now they are making that time up. Hopefully, it will be under roof within the next couple of weeks.

ASSISTANT CITY MANAGER, BUZZY NEWMAN said that we have only had a few issues so far, like the soil conditions on site where we had to cut some of the bad dirt out and put in rock but he felt that we were getting a good quality project. The projection on the opening date is April 1-15, 2012.

COMMISSIONER MILLS reminded the audience that Brandon Potts, new Golf Manager’s open house will be held on Friday. Commissioner Mills has met with him a couple of times and thinks that Brandon has a lot of good ideas and is enthusiastic about being here. He encouraged everyone to stop by and meet Mr. Potts.

COMMISSIONER PRUITT thought that the decision to keep our city meter readers is an awesome way to start the year and he feels that we are going back in the right direction with this commission.

MAYOR AUSTIN congratulated South Heights Elementary School as they have won several achievement awards with their testing, etc., and they were recently recognized as a top Kentucky school for working conditions, school safety, and student achievement in the 17th annual “Safe Schools, Successful Student” Conference in Louisville. They have also been named a “Blue Ribbon” school. Mayor Austin went to the ambulance service today where they unveiled their all-terrain pick-up vehicle that federal funds provided 95% of the funding.

APPOINTMENT: CITY-COUNTY AIRPORT BOARD – JOINTLY APPOINTED
WILLIAM FREITAG – TERM TO EXPIRE JANUARY 5, 2016

Motion by Commissioner Taylor, seconded by Commissioner Mills, and upon recommendation of Mayor Steve Austin, to appoint William Freitag to a four-year term on the City-County Airport Board. Said term to expire January 5, 2016.

REAPPOINTMENT: CITY-COUNTY AIRPORT BOARD – JOINTLY APPOINTED
DR. RICHARD WHAM – TERM TO EXPIRE JANUARY 5, 2016

Motion by Commissioner Pruitt, seconded by Commissioner Farmer, and upon recommendation of Mayor Steve Austin, to reappoint Dr. Richard Wham to a four-year term on the City-County Airport Board. Said term to expire January 5, 2016.

The vote was called for both appointees.

On roll call, the vote stood:

- Commissioner Mills ----- Aye:
- Commissioner Farmer ----- Aye:
- Commissioner Pruitt ----- Aye:
- Commissioner Taylor ----- Aye:
- Mayor Austin ----- Aye:

REAPPOINTMENT: WATER AND SEWER COMMISSION
PAUL BIRD – TERM TO EXPIRE JANUARY 12, 2015

Motion by Commissioner Farmer, seconded by Commissioner Mills, and upon recommendation of Mayor Steve Austin, to reappoint Paul Bird to a three-year term on the Water and Sewer Commission. Said term to expire January 12, 2015.

REAPPOINTMENT: WATER AND SEWER COMMISSION
GARY JENNINGS, D.M.D.– TERM TO EXPIRE JANUARY 12, 2015

Motion by Commissioner Farmer, seconded by Commissioner Mills, and upon recommendation of Mayor Steve Austin, to reappoint Gary Jennings, D.M.D. to a three-year term on the Water and Sewer Commission. Said term to expire January 12, 2015.

The vote was called for both appointees.

On roll call, the vote stood:

Commissioner Mills ----- Aye:
Commissioner Farmer ----- Aye:
Commissioner Pruitt ----- Aye:
Commissioner Taylor ----- Aye:
Mayor Austin ----- Aye:

MEETING ADJOURN:

MOTION by Commissioner Farmer, seconded by Commissioner Mills, the meeting adjourned

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

Commissioner Taylor ----- Aye:
Commissioner Mills ----- Aye:
Commissioner Farmer ----- Aye:
Commissioner Pruitt ----- Aye:
Mayor Austin ----- Aye:

WHEREUPON Mayor Austin declared the meeting adjourned at approximately 6:24 p.m.

ATTEST:

Steve Austin, Mayor
January 24, 2012

Carolyn Williams, City Clerk