

A regular meeting of the Board of Commissioners of the City of Henderson, Kentucky, was held on Tuesday, January 24, 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 Pastor Charles Cameron, Ambassador 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
Mr. Robert Gunter, Finance Director
Mrs. Kathy Ferrell, City-County Planning Commission Director
Mr. Curt Freese, City-County Planning Commission Assistant Director
Mr. John Reed, Police Chief
Mr. Leason Neel, HWU Chief Financial Officer
Mr. Jeff Porter, Extension Agent for Horticulture
Mr. Bill Markwell
Mr. Shaun Cassidy
Chief Bryant L. Woodard, Henderson City/County Rescue Squad, Inc.
Mr. Mike Richardson, Police Reserve Officer
Mr. Frank Boyett, *The Gleaner*

PRESENTATION: New Fire Station #4 Update

FIRE CHIEF, DANNY FROEHLICH AND BUZZY NEWMAN, ASSISTANT CITY MANAGER presented an update on the progress of the new Fire Station #4 using a Power Point program. Mayor Austin asked if the project was on target for completion. Fire Chief Froehlich explained that he expected completion in early April 2012.

APPROVAL OF CONSENT AGENDA:

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

Minutes: January 10, 2012, Regular Meeting

Resolutions: Resolution No. 06-12: 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 Taylor, seconded by Commissioner Pruitt, 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 01-12: SECOND READING
ORDINANCE ACCEPTING PUBLIC IMPROVEMENTS IN CANOE CREEK
SUBDIVISION-SECTION 8, CONSISTING OF ASPHALT ROADWAY WITH CURB
AND GUTTERS, AND SIDEWALK

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 24, 2012

ATTEST:
Carolyn Williams, City Clerk

ORDINANCE NO 02-12: SECOND 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 second 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, affixed his signature and the date thereto and ordered that the same be recorded.

/s/ Steve Austin
Steve Austin, Mayor
January 24, 2012

ATTEST:
Carolyn Williams, City Clerk

ORDINANCE NO. 03-12: SECOND 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 second reading of the Ordinance, it was moved by Commissioner Farmer, seconded by Commissioner Pruitt, 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 24, 2012

ATTEST:
Carolyn Williams, City Clerk

ORDINANCE NO. 04-12: FIRST READING
ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF
HENDERSON FOR PROPERTY LOCATED AT 1754 SOUTH MAIN STREET
CONTAINING 31,864 SQUARE FEET FROM M-1, LIGHT INDUSTRIAL TO R-4,
HIGH DENSITY RESIDENTIAL (SHAUN CASSIDY, OWNER)

On first reading of the Ordinance, it was moved by Commissioner Taylor, 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 on its first reading and ordered that it be presented for a second reading at a meeting of the Board of Commissioners.

ORDINANCE NO. 05-12: FIRST READING
ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF HENDERSON FOR PROPERTY LOCATED AT 1413, 1415, AND 1417 LOEB STREET AND 612 LETCHER STREET CONTAINING 16,546 SQUARE FEET FROM R-3, INNER CITY RESIDENTIAL TO GENERAL BUSINESS WITH A DEVELOPMENT PLAN (STEVE COTTER D/B/A S&P SERVICES, OWNER)

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

RESOLUTION NO. 07-12
RESOLUTION ESTABLISHING FEES FOR ANNUAL GAS CART RENTAL AT MUNICIPAL GOLF COURSE

MOTION by Commissioner Mills, seconded by Commissioner Taylor, to adopt the resolution establishing fees for annual golf cart rental at Municipal Golf Course.

COMMISSIONER PRUITT asked Mr. Brandon Potts, Municipal Golf Course Manager, if he had any plans for including a program for younger kids? Mr. Potts responded that he has already met with the Girl’s High School Golf Coach and plans are set to have “Junior Fridays.” He stated that he intends to have clinic type programs on Friday morning using the high school golf team to set up some stations around the golf course and later in the afternoon take the older kids aside and let them play a round; maybe set up a point system so they have something to work toward during the summer. Brandon continued by stating that he was looking forward to teaching “golf etiquette” to the young golfers.

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 24, 2012

ATTEST:
Carolyn Williams, City Clerk

RESOLUTION NO. 08-12

RESOLUTION APPROVING FACILITY USE AGREEMENT BETWEEN THE CITY OF HENDERSON AND THE HENDERSON COUNTY COOPERATIVE EXTENSION SERVICE, SPONSOR OF THE FARMERS MARKET, FOR USE OF CITY PROPERTY LOCATED AT CORNER OF SECOND AND WATER STREETS

MOTION by Commissioner Farmer, seconded by Commissioner Taylor, to adopt the resolution approving a Facilities Use Agreement with the Henderson County Cooperative Extension Service for use of the City’s lot at the corner of Second and Water Streets to conduct the 2012 Farmers Market.

MR. JEFF PORTER, EXTENSION AGENT FOR HORTICULTURE, explained that he was more than willing to work with the coordinators of each special event that would block off the streets in the area.

COMMISSIONER FARMER asked if Mr. Porter if he had any concerns regarding parking. He replied that there would be less parking and asked if arrangements could be made to allow parking on the boat ramp. Commissioner Taylor stated that during the week, parking on lower Second Street was readily available.

COMMISSIONER PRUITT asked how will he intended to check on the seller’s liability insurance? Mr. Porter answered that when they pay their dues, they are charged an annual fee and required them to bring in a copy of their liability insurance. The Extension Service will also add the City as an additional insured on their policy.

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 24, 2012

ATTEST:
Carolyn Williams, City Clerk

CITY MANAGER’S REPORT:

MR. RUSSELL R. SIGHTS, CITY MANAGER, reminded the Board that there will be a Work Session on February 21st to discuss the mid-year financial report and maybe one or two other items.

COMMISSIONER’S REPORTS:

COMMISSIONER MILLS stated that he and Commissioner Taylor were having a scheduled City/County Cooperative Study group meeting tomorrow at 3:00 p.m.

EXECUTIVE SESSION: PERSONNEL

MOTION by Commissioner Farmer, seconded by Commissioner Mills, pursuant to provisions of KRS 61.810(1)(f) that the Board of Commissioners go into Executive Session for the purpose of discussion or hearing which might lead to the appointment, discipline, or dismissal of an individual employee or member.

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:

MEETING RECONVENE:

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

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:

RESOLUTION NO. 09-12

RESOLUTION APPOINTING ELIZABETH DAWN KELSEY AS STAFF ATTORNEY AND APPROVAL OF EMPLOYMENT AGREEMENT AND AUTHORIZING MAYOR TO EXECUTE AGREEMENT OF BEHALF OF CITY

MOTION by Commissioner Farmer, seconded by Commissioner Taylor, to adopt the resolution appointing Elizabeth Dawn Kelsey as Staff Attorney and approval of employment agreement and authorizing Mayor to execute agreement on behalf of City.

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 24, 2012

ATTEST:
 Carolyn Williams, City Clerk

MEETING ADJOURN:

MOTION by Commissioner Farmer, seconded by Commissioner Pruitt, 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.

Steve Austin, Mayor
 February 14, 2012

ATTEST:

Carolyn Williams, City Clerk