

A regular meeting of the Board of Commissioners of the City of Henderson, Kentucky, was held on Tuesday, August 25, 2009, beginning at 5:30 p.m., prevailing time, in the third floor Assembly Room located in the Municipal Center at 222 First Street, Henderson, Kentucky

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INVOCATION was given by Commissioner Robert Pruitt, followed by Mayor Thomas E. Davis leading the assemblage in the recitation of the Pledge of Allegiance to our American Flag.

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There were present Mayor Thomas E. Davis presiding:

PRESENT: Commissioner Robert Pruitt  
Commissioner Mike Farmer  
Commissioner Robert M. Mills  
Commissioner Jim White

ALSO IN ATTENDANCE INCLUDED:

Mr. Russell R. Sights, City Manager  
Mr. Joe Ternes, City Attorney  
Mrs. Carolyn Williams, City Clerk  
Mr. Frank Boyett, *The Gleaner*

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RECOGNITION OF VISITORS: Mayor Davis extended a cordial welcome to the visitors in attendance.

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PRESENTATION: 2009 OUTSTANDING STATEWIDE KENTUCKY SECTION 5307 PUBLIC TRANSIT SYSTEM AWARD

MS. PAM WHITTER, TRANSIT COORDINATOR, accepted the first presentation of the 2009 Outstanding Statewide Kentucky Section 5307 Public Transit System award at the annual Kentucky Public Transportation Association conference conducted earlier this month in Frankfort. Ms. Whitter was in attendance to present this award to the City. It was deemed appropriate that the plaque should be placed in the HART facility.

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PRESENTATION: 20-YEAR SERVICE AWARD

MAYOR DAVIS expressed appreciation to Mrs. Carolyn Blohm, Secretary in the Police Department for her 20 years of service and dedication to the City.

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PRESENTATION: DEBIT FLEXIBLE SPENDING ACCOUNT (FSA) CARDS THROUGH MEDBEN

MRS. CONNIE GALLOWAY, HUMAN RESOURCES DIRECTOR, relayed information regarding the availability of health insurance debit cards through MedBen. The City's health plan has the ability to offer employees that utilize flexible spending accounts a Debit FSA card. The administrative cost for Debit FSA cards is \$1.75 per employee per month. The Board of Commissioner's did not voice an opinion at that time.

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APPROVAL OF CONSENT AGENDA:

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

Minutes: August 11, 2009, Regular Meeting

Resolution: Resolution No. 70-09 Awarding Bid for Purchase of a Backhoe to Diamond Equipment Inc., of Evansville, Indiana, in the Amount of \$76,779.

Resolution No.71-09 Awarding Bid for Purchase of a Sixteen (16) Cubic Yard Refuse Packer to Freightliner of Evansville, Indiana, in the Amount of \$91,249.

COMMISSIONER WHITE requested that Resolution No.70-09 be removed from the Consent Agenda for individual consideration.

MOTION by Commissioner Farmer, seconded by Commissioner Mills, to approve the items on the Consent Agenda as enumerated by the City Clerk with the exception of Resolution No. 70-09.

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

Commissioner Pruitt----- Aye:  
Commissioner White ----- Aye:  
Commissioner Farmer ----- Aye:  
Commissioner Mills ----- Aye:  
Mayor Davis ----- Aye:

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RESOLUTION NO. 70-09:  
RESOLUTION AWARDDING BID FOR PURCHASE OF BACKHOE TO DIAMOND EQUIPMENT INC. OF EVANSVILLE, INDIANA IN THE AMOUNT OF \$76,779.

MOTION by Commissioner Mills, seconded by Commissioner Farmer, to adopt the resolution awarding the bid for the purchase of the backhoe to Diamond Equipment Inc. of Evansville, Indiana, in the amount of \$76,779.

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

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

Commissioner Pruitt----- Aye:  
Commissioner White ----- Aye:  
Commissioner Farmer ----- Aye:  
Commissioner Mills ----- Aye:  
Mayor Davis ----- Aye:

WHEREUPON Mayor Davis declared the Resolution adopted, affixed his signature and the date thereto, and ordered that the same be recorded.

/s/ Thomas E. Davis  
Thomas E. Davis, Mayor  
August 25, 2009

ATTEST:  
Carolyn Williams, City Clerk

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ORDINANCE NO. 15-09: SECOND READING

ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF HENDERSON FOR PROPERTY LOCATED AT 2466 GREEN RIVER ROAD FROM RESIDENTIAL-2 TO RESIDENTIAL-4 WITH A DEVELOPMENT PLAN (Earl Brandon, Owner, containing approximately 2,0936 acres)

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 Pruitt----- Aye:  
 Commissioner White ----- Aye:  
 Commissioner Farmer ----- Aye:  
 Commissioner Mills ----- Aye:  
 Mayor Davis ----- Aye:

WHEREUPON Mayor Davis declared the Ordinance adopted, affixed his signature and the date thereto and ordered that he same be recorded.

/s/ Thomas E. Davis  
 Thomas E. Davis, Mayor  
 August 25, 2009

ATTEST:  
 Carolyn Williams, City Clerk

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RESOLUTION NO. 72-09:  
RESOLUTION APPROVING THE RETAINING OF THE LAW FIRM OF WYATT,  
TARRANT AND COMBS OF LOUISVILLE, KENTUCKY, TO REPRESENT CITY IN  
PENDING LITIGATION WITH BIG RIVERS ELECTRIC CORPORATION

MOTION by Commissioner Farmer, seconded by Commissioner Pruitt, to adopt the resolution approving the retaining of the law firm of Wyatt, Tarrant and Combs of Louisville, Kentucky, to represent City in pending litigation with Big Rivers Electric Corporation.

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

Commissioner Pruitt----- Aye:  
 Commissioner White ----- Aye:  
 Commissioner Farmer ----- Aye:  
 Commissioner Mills ----- Aye:  
 Mayor Davis ----- Aye:

WHEREUPON Mayor Davis declared the Resolution adopted, affixed his signature and the date thereto, and ordered that the same be recorded.

/s/ Thomas E. Davis  
 Thomas E. Davis, Mayor  
 August 25, 2009

ATTEST:  
 Carolyn Williams, City Clerk

CITY MANAGER’S REPORT:

MR. RUSSELL R. SIGHTS, CITY MANAGER, asked the City Clerk read the following letter into the record:

**City Commission Memorandum  
09-152**

August 20, 2009

TO: Mayor Tom Davis and the Board of Commissioners  
FROM: Russell R. Sights, City Manager *RS*  
SUBJECT: City Manager’s Report

I. Annexation-Property on Highway 351  
Commission Direction Requested.

During a recent staff meeting it was brought to my attention that the property owned by the City of Henderson on Highway 351 has not been annexed into the municipal boundaries. This matter has been discussed in the past, but no official action has been taken.

The first step in this process is to request that the Henderson-Henderson County Planning Commission assign the appropriate zoning classification to this property. Once this action is taken, then the board of Commissioners may proceed with the enactment of an annexation ordinance.

I am asking that the Board authorize submitting this request to the Planning Commission for the appropriate zoning classification to be assigned for this property.

MOTION by Commissioner White, seconded by Commissioner Mills, to authorize staff to submit this request to the Planning Commission for the appropriate zoning classification to be assigned for this property

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

Commissioner Pruitt----- Aye:  
Commissioner White ----- Aye:  
Commissioner Farmer ----- Aye:  
Commissioner Mills ----- Aye:  
Mayor Davis ----- Aye:

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COMMISSIONER’S REPORT:

COMMISSIONER WHITE stated that the Flood Mitigation Board met this afternoon and he was asked to make sure that it was alright for the Flood Mitigation Board to use the City’s Tractor/Mower to clear some areas of Canoe Creek. Without objection, the Board agreed.

MAYOR DAVIS pointed out that copies of a letter from the Henderson City-County Airport Board explained that they have received approval for two FAA grants for 2009. The first grant was designated as AIP 20 (airport improvement project) and is valued at \$48,692. The second grant under AIP 21 is valued at \$938,405. The total federal contribution is \$987,097. These grants will be used to expand the main terminal ramp area, widen Ron Collins taxiway, asphalt entrance to Captain Safety hangar and to establish a new western ramp for planned hangar expansions. Typically, the FAA pays 95% for the project and 1.25% is the expected match from the City as well as the County.

MOTION by Commissioner Farmer, seconded by Commissioner Pruitt, to agree to the 1.25% match from the City.

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

Commissioner Pruitt----- Aye:  
Commissioner White ----- Aye:  
Commissioner Farmer ----- Aye:  
Commissioner Mills ----- Aye:  
Mayor Davis ----- Aye:

MAYOR DAVIS continued by stating that he attended a Dept. of Local Government meeting in Louisville last week. He also visited a Kentucky League of Cities board meeting where the announcement that Sylvia Lovely, Executive Director, has submitted her intent to resign at the first of next year.

APPOINTMENT: HENDERSON MUNICIPAL POWER & LIGHT COMMISSION  
MR. H. RANDALL REDDING, TO FILL UNEXPIRED TERM OF MR. T. SCOTT MILLER – TERM TO EXPIRE APRIL 25, 2012

MOTION by Commissioner Farmer, seconded by Commissioner Pruitt, and upon recommendation of Mayor Thomas E. Davis, to appoint Mr. H. Randall Redding to fill the unexpired term of Mr. T. Scott Miller on the HMP&L Commission.

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

Commissioner Pruitt----- Aye:  
Commissioner White ----- Aye:  
Commissioner Farmer ----- Aye:  
Commissioner Mills ----- Aye:  
Mayor Davis ----- Aye:

MAYOR DAVIS stated that he had received information from Mr. Ken Christopher, Chairman, Parks & Recreation Commission, saying that Mr. Christopher felt that a member of the Parks & Recreation Committee should be appointed to the newly formed Bicycle Advisory Committee.

MEETING ADJOURN:

MOTION by Commissioner Mills, seconded by Commissioner White, to adjourn the meeting.

WITHOUT OBJECTION, the Mayor Davis declared the meeting adjourned .

ATTEST:

Thomas E. Davis, Mayor  
September 8, 2009

Carolyn Williams, City Clerk