

A regular meeting of the Board of Commissioners of the City of Henderson, Kentucky, was held on Tuesday, January 26, 2010, beginning at 5:34 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 Commissioner Pruitt, followed by Mayor Thomas E. Davis leading the assemblage in the recitation of the Pledge of Allegiance to our American Flag.

There were present Mayor Thomas E. Davis presiding:

PRESENT: Commissioner Mike Farmer
Commissioner Robert M. (Robby) Mills
Commissioner Robert N. Pruitt
Commissioner Jim White

ALSO IN ATTENDANCE INCLUDED:

Mr. Russell R. Sights, City Manager
Mr. Joseph E. Ternes, Jr., City Attorney
Ms. Maree Collins, Acting City Clerk
Mr. Frank Boyett, *The Gleaner*
Mr. Steve Austin, HWU Board Chair
Mr. Tom Williams, HWU Board Member
Ms. Peggy Wood, Planning Commission Executive Director
Mr. William L. Newman, Jr., Assistant City Manager
Mr. Robert Gunter, Finance Director
Ms. Connie Galloway, Human Resources Director
Ms. Emily Gilliam, Parks and Recreation Director
Mr. Jeff Porter, UK Extension Office
Ms. Julie Turnipseed, Downtown Henderson Project
Ms. Marcia Eblen, Tourist Commission
Ms. Sharon Cates
Ms. Betsy Stone, Stone Hill Honey
Interested Citizens

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

APPROVAL OF CONSENT AGENDA:

MAYOR DAVIS presented the following for approval:

Minutes: January 12, 2010, Regular Meeting
January 19, 2010, Work Session

Resolutions: Resolution No. 08-2010 – Approving Agreement Between the Henderson City/County Rescue Squad, the City of Henderson, the County of Henderson, and Henderson Emergency Management

MOTION by Commissioner Farmer, seconded by Commissioner Mills, to approve the items on the Consent Agenda as enumerated by Mayor Davis.

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

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

ORDINANCE NO. 01-2010: SECOND READING

AN ORDINANCE AMENDING OFFICIAL ZONING MAP OF THE CITY OF HENDERSON FOR PROPERTY LOCATED ON SAND LANE AND BEING A ONE ACRE PORTION OF NEWMAN PARK (PREVIOUSLY A ONE ACRE PORTION OF LOT 8-F OF THE HENDERSON CORPORATE PARK SUBDIVISION), FROM LIGHT INDUSTRIAL TO AGRICULTURAL

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

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

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

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

/s/ Thomas E. Davis
 Thomas E. Davis, Mayor
 January 26, 2010

ATTEST:
 Maree Collins, Acting City Clerk

ORDINANCE NO. 02-2010: FIRST READING

AN ORDINANCE ACCEPTING PUBLIC IMPROVEMENTS IN FOX RUN SUBDIVISION-SECTIONS 4, 5-A, AND 5-B, CONSISTING OF STREETS AND SIDEWALKS

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

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

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

WHEREUPON Mayor Davis 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. 03-2010: FIRST READING
ORDINANCE AMENDING SECTION 23-43 OF DIVISION 3. WATER AND SEWER COMMISSION, OF CHAPTER 23, UTILITIES, OF THE CODE OF ORDINANCES OF THE CITY OF HENDERSON BY PROVIDING THAT DIRECTOR OF ENGINEERING SHALL BE EMPLOYED BY WATER AND SEWER COMMISSION, AND THAT DIRECTOR OF ENGINEERING SHALL NOT BE UNDER CIVIL SERVICE SYSTEM

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

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

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

WHEREUPON Mayor Davis 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. 09-2010
RESOLUTION AUTHORIZING PAYMENTS TO FIREFIGHTERS FOR BACK WAGES FOR OVERTIME PURSUANT TO FINDINGS OF KENTUCKY LABOR CABINET, AND PAYMENT OF AMOUNTS FOR RETIREMENT CONTRIBUTIONS, MEDICARE, UNEMPLOYMENT TAX AND WORKERS' COMPENSATION RESULTING FROM RECALCULATED WAGES

MOTION by Commissioner Pruitt, seconded by Commissioner Farmer to adopt the resolution authorizing the payments of back wages, retirement contributions, Medicare, unemployment tax and workers' compensation resulting from the recalculated wages for overtime pursuant to the findings of the Kentucky Labor Cabinet.

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

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

Commissioner Farmer ----- Aye:
Commissioner Mills ----- Aye:
Commissioner Pruitt ----- Aye:
Commissioner White ----- 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
January 26, 2010

ATTEST:
Maree Collins, Acting City Clerk

RESOLUTION NO. 10-2010

A RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE CITY OF HENDERSON, KENTUCKY, AUTHORIZING INITIATION AND COMPLETION OF PROCEEDINGS FOR THE ISSUANCE OF A \$1,500,000 BOND ANTICIPATION NOTE BY THE CITY TO FINANCE ON AN INTERIM BASIS COSTS OF IMPROVEMENTS TO THE CITY'S MUNICIPAL ELECTRIC SYSTEM

MOTION by Commissioner Farmer, seconded by Commissioner Pruitt to approve the initiation and completion of proceedings for the issuance of a \$1,500,000 Bond Anticipation Note, Series 2010A to defray increased costs on the acquisition and construction of capital improvements and additions to the Retail Electric System (Project A).

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

- Commissioner Farmer ----- Aye:
- Commissioner Mills ----- Aye:
- Commissioner Pruitt ----- Aye:
- Commissioner White ----- 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
January 26, 2010

ATTEST:
Maree Collins, Acting City Clerk

CITY MANAGER'S REPORT:

MR. RUSSELL R. SIGHTS, CITY MANAGER, introduced Ms. Connie Galloway, Human Resources Director, to review the City's Loss-Time Information for the calendar year 2009. Ms. Galloway reported that four departments, Administration, Finance, Gas, and Mass Transit had no loss-time accidents during the reported time period. She further reported that this was the fifth consecutive year for Mass Transit with no loss-time accidents. Mass Transit worked over 24,000 hours and traveled over 200,000 miles and the Gas department worked over 53,000 hours which included some of the worst weather conditions on record during the ice storm of January 2009.

MR. SIGHTS then introduced Mr. William L. "Buzzy" Newman, Jr. to give an update on Riverfront Improvements and proposed future projects. Mr. Newman reported that there are two bid packages currently in progress: #1- The River Walk from 6th to 12th Streets with sidewalks connecting Sunset Park to Red Banks Park as well as #2 - The Tennis Court improvements and river bank stabilization behind the tennis courts plus a restroom in Sunset Park. Also, there will be a separate bid package for Henderson Water Utility equipment.

MR. NEWMAN continued by reporting that final construction approval is expected next week and that all final approvals are expected within six to eight weeks. He anticipates that construction will start on the River Walk in early June and the tennis court project approximately two weeks after that. User Group meetings including Ms. Marcia Eblen, Tourism Commission; Ms. Julie Turnipseed, Downtown Henderson Project, as well as input from UK Extension Service members have provided information and guidance as to what they recommend be included in a farmers market. It was recommended that a permanent structure with a roof be provided so that trucks could be backed into the structure to sell produce from their truck beds. Mr. Newman presented a review of the proposed projects including the Farmers Market, Audubon Mill Park Stage, and the Dog Park. Drawings of the stage were reviewed outlining its size and location. The Dog Park is proposed to be located behind the water tower in Atkinson Park. The site is approximately 1.6 acres and a parking lot is proposed to support the Dog Walk as well as additional parking for the River Walk.

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

MR. NEWMAN stated that the Farmers Market was identified in the original Riverfront Improvements list. Originally it was proposed to be located on the north side of the railroad bridge in the vicinity of Henderson Municipal Power & Light's pole yard. The grassy area between the pole yard and the railroad tracks has utility easements as well as underground storm drainage systems making it unsuitable for use as a farmers market. The Second/Water Street location was reviewed but KYTC ruled it ineligible. Ultimately, the recommendation would be to replicate the pedestrian platform and the baggage house that was at the old railroad depot on Second Street. The idea that the Farmers Market would have a permanent structure but would not impede the open air feeling of the market and the park. The baggage house would be an enclosed area to provide a demonstration kitchen as well as possibly serve a similar purpose as the current Denton Shelter house. The structure would be approximately 29' X 38'. No trees would be removed for either structure and the view would not be obstructed any more than it already is by the trees that are currently between this location and the river.

Commissioner Pruitt conveyed concerns in how close the new structure would be to the Welcome Center. He suggested moving the baggage house structure into the park area even though this might not be a popular thing to do.

Mayor Davis asked how many days a week the farmers market would be utilized and how many vendors currently participate. Ms. Betsy Stone, Stone Hill Honey, responded that currently the schedule includes three days a week from May through October depending on the weather. Ms. Sharon Cates relayed that five to six vendors are regulars and as many as eight have been present at one time but a total of 16 vendors were registered for the season and included six youth student vendors. The Extension Service and the Farmers Market Association think this is the ideal location and will help to bring more people into the downtown area. The music festivals could utilize the facility during their events as a green room.

Ms. Julie Turnipseed, Downtown Henderson Project, Executive Director, reported that the DHP Board had passed a resolution of support. She read the following resolution into the record.

Resolution

Whereas the development of the Henderson Riverfront Development is a reflection of Henderson and Henderson County;

Whereas it is vital to involve and support the work done in the design of all parties, government and civic; and

Whereas it is the development of the Farmers Market, Audubon Mill stage area and the dog park will offer additional avenues for enjoyment to the riverfront in Henderson;

Therefore be it resolved that the Board of the Downtown Henderson Project unanimously declares its support of the plan presented by William Newman on behalf of the City of Henderson;

approved and adopted on January 21, 2010.

Mayor Davis expressed concerns regarding possible congestion and parking issues with the proximity to the tennis courts and with other events scheduled at the same time. Ms. Marcia Eblen, Tourist Commission Executive Director, responded that there possibly could be some

congestion and parking issues, however, that could be a good thing for other businesses in the downtown area.

Mr. Sights reminded the Board that this topic would be discussed again at the February Work Session.

COMMISSIONER’S REPORTS:

Commissioner White stated that bids were opened on the clearing of 3.2 miles of Canoe Creek. The low bid was \$608,910 and the Flood Mitigation group were expecting the price to be closer to one million dollars.

Commissioner White continued by thanking everyone for their thoughts and prayers over the last few months.

Commissioner Mills noted that plans for the baggage house/farmers market gives the community opportunities for more learning experiences for our youth.

Commissioner Pruitt stated that he has been catching a lot of heat over the placement of the farmers market. He wants to move it over approximately 20 feet into the park.

APPOINTMENTS:

APPOINTMENT: CITY-COUNTY PLANNING COMMISSION
HERB McKEE TO FILL UNEXPIRED TERM OF TOM WILLIAMS – TERM TO EXPIRE JUNE 1, 2011

MOTION by Commissioner Pruitt, seconded by Commissioner Mills, upon recommendation of Mayor Thomas E. Davis, to appoint Herb McKee to fill the unexpired term of Tom Williams on the City-County Planning Commission.

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

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

APPOINTMENT: CITY-COUNTY HUMAN RIGHTS COMMISSION
DORA WILSON TO FILL UNEXPIRED TERM OF TRACI WILLIAMS – TERM TO EXPIRE JUNE 30, 2012

MOTION by Commissioner White, seconded by Commissioner Pruitt, upon recommendation of Mayor Thomas E. Davis, to appoint Dora Wilson to fill the unexpired term of Traci Williams on the City-County Human Rights Commission.

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

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

APPOINTMENT: PARKS & RECREATION COMMISSION
KEEGAN O’DANIEL TO FILL UNEXPIRED TERM OF DON GISH, JR. – TERM TO
EXPIRE SEPTEMBER 14, 2011

MOTION by Commissioner White, seconded by Commissioner Pruitt, upon recommendation of Mayor Thomas E. Davis, to appoint Keegan O’Daniel to fill the unexpired term of Don Gish, Jr. on the Parks & Recreation Commission.

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

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

REAPPOINTMENT: WATER & SEWER COMMISSION
TOM WILLIAMS – TERM TO EXPIRE JANUARY 12, 2013

MOTION by Commissioner White, seconded by Commissioner Farmer, upon recommendation of Mayor Thomas E. Davis, to reappoint Tom Williams to a three-year term on the Water & Sewer Commission.

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

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

REAPPOINTMENT: WATER & SEWER COMMISSION
STEVE AUSTIN – TERM TO EXPIRE JANUARY 12, 2013

MOTION by Commissioner Pruitt, seconded by Commissioner Farmer, upon recommendation of Mayor Thomas E. Davis, to reappoint Steve Austin to a three-year term on the Water & Sewer Commission.

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

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

APPOINTMENT: CITY-COUNTY AIRPORT BOARD
DR. REID WILSON TO FILL UNEXPIRED TERM OF JIM BUTZ – TERM TO
EXPIRE JANUARY 05, 2013

MOTION by Commissioner Farmer, seconded by Commissioner Pruitt, upon recommendation of Mayor Thomas E. Davis, to appoint Dr. Reid Wilson to fill the unexpired term of Jim Butz on the City-County Airport Board.

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

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

REAPPOINTMENT: CITY-COUNTY AIRPORT BOARD
KIMBER HEDDENS – TERM TO EXPIRE JANUARY 5, 2014

MOTION by Commissioner White, seconded by Commissioner Mills, upon recommendation of Mayor Thomas E. Davis, to reappoint Kimber Heddens to a four-year term on the City-County Airport Board.

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

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

EXECUTIVE SESSION: REAL PROPERTY

Motion by Commissioner Farmer, seconded by Commissioner Mills pursuant to the provisions of KRS 61.810(1)(b) that the Board of Commissioners go into Executive Session for the purpose of deliberation on acquisition or sale of property located on South Green Street.

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

MEETING RECONVENE:

WITHOUT OBJECTION the Board of Commissioners reconvened in regular session.

MEETING ADJOURN:

WITHOUT OBJECTION Mayor Davis declared the meeting adjourned at approximately 6:46 p.m.

Thomas E. Davis, Mayor
February 9, 2010

ATTEST:

Carolyn Williams, City Clerk