

A regular meeting of the Board of Commissioners of the City of Henderson, Kentucky, was held on Tuesday, October 27, 2009, beginning immediately after closing the Corporate Park Development Committee which convened at 5:30 p.m., prevailing time, in the third floor Assembly Room located in the Municipal Center at 222 First Street, Henderson, Kentucky

INVOCATION was given by V. H. Hammontree, D. Min., 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 Robert Pruitt
Commissioner Mike Farmer
Commissioner Jim White
Commissioner Robert M. Mills

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*

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

MAYOR DAVIS noted that last Wednesday in Frankfort, the Downtown Henderson Project won the design category from the Kentucky Main Street Department in honor of our Audubon sculptures in downtown Henderson. Mayor Davis congratulated Julie Turnipseed and her board for what they do for the City of Henderson.

PRESENTATION: 20-YEAR SERVICE AWARD

MAYOR DAVIS expressed appreciation to Dwight Duncan, Police Sergeant, for his 20 years of service and dedication to the City.

PRESENTATION: COLONELS TO COLLEGE SCHOLARSHIP INITIATIVE

MRS. JOAN HOFFMAN presented to the Board a program called "Colonels 2 College." This plan encourages students to enroll in this program which states that research indicates performance in school is one factor that can predict how well an individual will perform in a job. A "Colonels 2 College" certificate will be issued to all students who enroll in the program and meet the criteria, beginning with the class of 2013. All 2013 Henderson County High School students who graduate and earn four consecutive "Colonels 2 College" workforce certificates will receive up to \$1,000 per semester for four semesters of tuition to Henderson Community College.

PRESENTATION: NORTHWEST KENTUCKY FORWARD (NWKF)

MR. KEVIN SHEILLEY presented a PowerPoint program to explain the State of Kentucky's recent consolidation of certain state incentive programs for new and expanding businesses through legislation entitled the Kentucky Business Investment (KBI) Program. In order to foster economic development, Mr. Sheilley stated that he believed it to be in the best interest of our community to formally express its support for those businesses located or to be located within the City of Henderson who make application for participation in the KBI program.

WITHOUT OBJECTION the Board of Commissioners authorized Mayor Davis to submit letters from time to time to relevant authorities on behalf of the City of Henderson in support of those businesses located or to be located within the City who apply for incentives under the Kentucky Business Investment (KBI) Program.

PRESENTATION: TRI-COUNTY RECYCLING

MRS. PAULINE ALLEN, Tri-County Recycling Director, presented information regarding the status of funding for the organization. She distributed the 2008 calendar year Solid Waste Management Area Annual Report for Henderson, McLean, Union and Webster Counties. She also distributed information regarding curbside recycling in Henderson for 2008 and part of 2009 and noted that revenues going to outside sources could be claimed by the City and County if we chose to take over our own recycling materials. Mrs. Allen noted that Tri-County Recycling was awarded an \$11,820 recycling grant in July 2008 as well as the \$396,100 grant by the State Division of Waste Management to continue implementing and promoting recycling education by Tri-County Recycling Alliance in Henderson City and County. They purchased a \$72,000 horizontal baler and conveyor system that was installed at the Henderson County Road Department. They received \$20,000 in grant money in order to install 3-phase electric power to the county facility. Education programs continue in Henderson's schools and Coca-Cola and the National Recycling Coalition provided a grant for containers to be placed in each of the schools. Paper shred days and electronics recycling events have been held in both 2008 and 2009. Mrs. Allen noted several other events that were held during that time period.

COMMISSIONER FARMER asked why the Board of Commissioners did not have more timely information from Tri-County Recycling. Mrs. Allen explained that she understood that the City asked her to report to the City's Board when McLean County's dues were current. Mr. Sights explained that in July 2009 the Board asked for an updated financial report and has yet to receive it. Mrs. Allen again stated that she understood the financial report that was asked for in July was only regarding McLean County's contribution. Commissioner White suggested that she communicate with Mr. Sights to clear up any misunderstanding that might have taken place. She stated that she had received a letter from Mr. Sights and she understood from that letter that the City was asking for her to let the City know when McLean County was current with its contribution.

MAYOR DAVIS explained that a quarterly update from Tri-County Recycling must be presented to the City. Mayor Davis, as treasurer of Tri-County Recycling board, had asked that an enhanced accounting report be provided by their accountants, Campbell, Royster, Carver, McBride and Company, LLC. The other member county directors explained that they did not wish to spend the extra money from the Tri-County Recycling budget. Commissioner White stated that the Board wanted to be kept up to date with what was happening both from a financial standpoint as well as what Mrs. Allen does. Commissioner Mills agreed that a quarterly report would help the communication for both entities. Commissioner Pruitt asked if Mrs. Allen had shared this information with the County? She said that she had not, but the County had received the 2008 annual report.

APPROVAL OF CONSENT AGENDA:

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

Minutes: October 13, 2009, Regular Meeting
 October 20, 2009, Work Session Meeting

Resolutions: Resolution No. 82-09 Authorizing Lease Between the City of Henderson, Kentucky, as Lessors, and Captain Safety, LLC, as Lessee, for Property at the Airport Which Lease Replaces the Lease Between the Parties Executed in June 2009

Resolution No. 83-09 Authorizing Acceptance of Grant from the Department of Homeland Security, Port Security Grant Program (PSGP), in the Amount of \$81,855 for Waterborne Operations Dive Team

MOTION by Commissioner Pruitt, seconded by Commissioner White, to approve the items on the Consent Agenda as enumerated by the City Clerk.

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

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

ORDINANCE NO. 71-09: FIRST READING

ORDINANCE ANNEXING CERTAIN UNINCORPORATED TERRITORY TO THE CITY OF HENDERSON, KENTUCKY, BEING LOCATED IN HENDERSON COUNTY ON THE NORTH SIDE OF KENTUCKY HIGHWAY 351; AND IS BOUNDED TO THE WEST BY THE CHIMNEY HILL SUBDIVISION; BOUNDED TO THE EAST BY THE HODGE FAMILY TRUST PROPERTY AND BY THE HENDERSON COUNTY COOPERATIVE EXTENSION SERVICE PROPERTY; AND IS BOUNDED TO THE NORTH BY THE RUDY-HUBER TRUST PROPERTY, CONTAINING 44.727 ACRES, MORE OR LESS, OWNED BY CITY OF HENDERSON

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

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

Commissioner White -----	Aye:
Commissioner Farmer -----	Aye:
Commissioner Mills -----	Aye:
Commissioner Pruitt-----	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. 84-09 APPROVING MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY AND THE HENDERSON WATER AND SEWER COMMISSION, AND AUTHORIZING MAYOR TO EXECUTE SAME ON BEHALF OF CITY

MOTION by Commissioner White, seconded by Commissioner Farmer, to adopt the resolution approving the Memorandum of Understanding between the City and the Henderson Water and Sewer Commission, and authorizing Mayor to execute same on behalf of City.

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

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

Commissioner White -----	Aye:
Commissioner Farmer -----	Aye:
Commissioner Mills -----	Aye:
Commissioner Pruitt-----	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
October 27, 2009

ATTEST:
Carolyn Williams, City Clerk

CITY MANAGER’S REPORT:

MR. RUSSELL R. SIGHTS, CITY MANAGER, stated that a request by Commissioner White at the Board’s last meeting for a total of State and Federal grants awarded to the City for the time period covering the last twenty-four months. Staff prepared the report totaling \$6,239,569. Commissioner White expressed his appreciation for the information.

MR. MARVIN HANCOCK, INTERIM FIRE CHIEF, explained he was charged with the task of determining if an ordinance restricting tractor trailer traffic through the City would be beneficial. He responded that Fire Department personnel conducted a survey to determine the number of commercial trucks driving through the City via Green Street as well as to identify the volume and type of hazardous material loads passing through with no local stops. He explained that traffic was monitored on four different days between the times of 7 a.m. to 9 a.m.; from 9 a.m. to 11 a.m.; 1 p.m. to 3 p.m. and 3p.m. to 5 p.m. for a total of 8 hours with personnel positioned at four locations – from Hwy. 425 by-pass at U.S. Hwy. 60 west to N. Green and Twelfth Streets. Figures indicate that an average of at least three commercial trucks an hour travel through the City instead of using the by-pass and one truck every two hours on average is hauling hazardous materials. These numbers may be low because of the current construction on Hwy. 60 west. The potential for delays may be encouraging drivers who usually pass through the City to use the by-pass to avoid the construction zone. The amount of hazardous materials moving through the City also typically increases during the spring planting season as farmers begin to transport anhydrous ammonia.

MR. SIGHTS stated that with this information, Mr. Joe Ternes, City Attorney, contacted the State Highway Department asking if we could adopt an ordinance requiring trucks to use the by-pass around the City of Henderson and the answer was that we could not. The interpretation in Madisonville was that trucks and hazardous chemical trucks cannot be prohibited from using federal rights of way but that the City could encourage the use of the by-pass. They have agreed to post signs on Hwy. 351 and Hwy. 60 stating “Trucks Use Bypass” or words to that effect. It will have to be voluntary. Without objection, staff will proceed with having the signs established.

RESOLUTION NO. 85-09 AUTHORIZING PARTICIPATION IN KENTUCKY PRIDE LITTER ABATEMENT GRANT PROGRAM

MOTION by Commissioner Farmer, seconded by Commissioner Pruitt, to adopt the resolution authorizing participation in the Kentucky Pride Litter Abatement Grant Program.

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

- Commissioner White ----- Aye:
- Commissioner Farmer ----- Aye:
- Commissioner Mills ----- Aye:
- Commissioner Pruitt----- 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
October 27, 2009

ATTEST:
Carolyn Williams, City Clerk

COMMISSIONER’S REPORTS:

COMMISSIONER WHITE stated that Mr. Comer asked that recycling containers be placed in Central Park for glass and aluminum.

MAYOR DAVIS stated his appreciation to both HWU and HMP&L board members for attending the meeting.

REAPPOINTMENT: PARKS AND RECREATION COMMISSION
MR. BILL STEVENS – TERM TO EXPIRE SEPTEMBER 14, 2013

MOTION by Commissioner White, seconded by Commissioner Pruitt, upon recommendation of Mayor Tom Davis, to reappoint Bill Stevens to a 4-year term on the Parks and Recreation Commission. Said term to expire September 14, 2013.

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

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

REAPPOINTMENT: PARKS AND RECREATION COMMISSION
MS. LESLIE NEWMAN – TERM TO EXPIRE SEPTEMBER 14, 2013

MOTION by Commissioner Pruitt, seconded by Commissioner White, upon recommendation of Mayor Tom Davis, to reappoint Leslie Newman to a 4-year term on the Parks and Recreation Commission. Said term to expire September 14, 2013.

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

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

EXECUTIVE SESSION: REAL PROPERTY AND LITIGATION

MOTION by Commissioner Farmer, seconded by Commissioner Mills, and pursuant to provisions of KRS 61.810(1)(b) that the Board of Commissioners go into Executive Sessions for the purpose of deliberations on the future acquisition or sale of real property in the area of Fifth Street and Kimsey Lane as well as pursuant to provisions of KRS 61.810(1)(c) for purpose of discussions of proposed or pending litigation against or on behalf of a public agency.

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

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

MEETING RECONVENE:

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

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

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

MEETING ADJOURN:

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

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

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

WHEREUPON: Mayor Davis declared the meeting adjourned.

ATTEST:

Thomas E. Davis, Mayor
 November 10, 2009

Carolyn Williams, City Clerk