

**MINUTES OF COUNCIL MEETING
AUGUST 28, 2008
6:30 P.M.**

The Murray City Council met in regular session on Thursday, August 28, 2008, at 6:30 p.m. in the Council Chambers of City Hall, with Mayor Rushing presiding.

Council Members Present: Danny Hudspeth, Dan Miller, Pat Scott, Jeremy Bell, Butch Seargent, Linda Cherry, Pete Lancaster, Jason Pittman, Robert Billington, Jane Brandon, Butch Seargent, and Bill Wells.

Council Members Absent: David Ramey.

Staff Present: Ken Claud, J. L. Barnett, David Roberts, Ron Allbritten, Philip Morris, Cathy Morris, Michael Skinner, Candace Dowdy, Alan Lanier, Matt Mattingly, Harla McClure, and Warren Hopkins.

Minutes of the council meeting held August 14, 2008, were presented for approval. **Mr. Bell moved, seconded by Mr. Lancaster,** to approve the minutes as written. With no discussion, Mayor Rushing called for a voice vote, which was unanimous in favor of the motion.

Mayor Rushing recognized Cindy Dunn. Ms. Dunn was present to request the council place a sign at the turn lane that was constructed on 641 North in front of the BP station. She stated that her daughter was killed in an automobile accident and would like the sign in memory of her daughter. She stated that there have not been any accidents since the turn lane had been constructed. **Mr. Billington moved, seconded by Mr. Bell** to authorize the administration to send a letter to the Department of Transportation requesting that a sign with Megan's name on it, be placed at the turn lane. Matt Mattingly, Director of Administration, stated the area in question is a state road and the City can only request that a sign be posted. With no further discussion, Mayor Rushing called for the voice vote which was unanimous in favor of the motion.

Mayor Rushing recognized Robert Billington, Chairman of the Public Works Committee and requested that he provide a report. Mr. Billington stated the committee met to discuss bids for bituminous asphalt paving and milling. He stated that they received only one bid which was from Murray Paving in the amount of \$75.80 a ton for paving and \$30.00 a ton for milling. **Mr. Billington moved, as unanimously recommended by the Public Works Committee,** to accept the bid of Murray Paving in the amount of \$75.80 a ton for paving and \$30.00 a ton for milling. **Mr. Pittman seconded the motion.** With no further discussion, Mayor Rushing called for the voice vote which was unanimous in favor of the motion.

Mayor Rushing recognized Danny Hudspeth, Chairman of the Public Safety Committee and requested that he provide a report. Mr. Hudspeth stated the committee met to review bids for a back-up rescue unit for the fire department. He stated that they received one bid from Brindlee Mountain Fire Apparatus, LLC in the amount of \$59,000, with an allowable trade-in of \$17,000 on a 1992 Ford rescue unit and \$25,000 in a 1997 Dodge rescue unit. The Committee

rejected the bid because it is over budget

Ordinance Number 2008-1470 (second reading) an ordinance creating a new section to Chapter 53 of the City of Murray Code of Ordinances to create a policy for contractors or individuals who request the use of a meter for fire hydrants was presented to the council on a second reading. **Mr. Hudspeth moved, seconded by Mr. Wells** to adopt said ordinance. With no further discussion, Mayor Rushing called for the roll call vote which is recorded as follows:

AYES: Danny Hudspeth, Dan Miller, Robert Billington, Jane Brandon, Pete Lancaster, Jeremy Bell, Jason Pittman, Linda Cherry, Butch Seargent, Pat Scott, and Bill Wells.

NAYES: None.

Mayor Rushing declared said ordinance adopted on a second reading and recorded in Ordinance Book Number 7, Page _____.

Ordinance Number 2008-1471 (first reading) an ordinance amending Ordinance Number 2008-1464 which adopted the fiscal year 2008-2009 City of Murray Annual Budget by estimating revenues and appropriating funds for the operations of City government to amend general fund capital expenditures for the fire department for the allocation of a rescue unit was not voted on due to all bids being over budget.

Recommendation from the Murray Planning Commission was presented to the council authorizing the city attorney to draft an ordinance rezoning a 1.215 acre portion of land located at 506 Industrial Road from Floodway to Industrial based on the following findings: 1) the existing zoning classification given to the property is inappropriate and the proposed zoning classification is appropriate; and 2) based on an Engineer Certification, this portion of land is located outside the Special Flood Hazard Area as shown on FEMA Flood Maps. Said property is owned by Jerry Duncan. The Planning Commission approved this recommendation by a vote of 6-0. **Mr. Seargent moved, seconded by Mr. Lancaster** to approve said recommendation. With no further discussion, Mayor Rushing called for the voice vote which was unanimous in favor of the motion. Dr. Miller asked why the property was determined to be in the flood plain. Candace Dowdy, City Planner, stated that approximately 168 acres in 1990 was annexed into the City and the Commission and the City Council approved the zoning as floodway. She stated this particular portion has not had any fill done but when Mr. Duncan requested to put a building there, he was informed that it was not possible to put the type of building he was wanting in the floodway zone. He had an engineer review the area to ensure that it was in the flood zone and the engineer report showed that the property in question is outside the flood zone. With no further discussion, Mayor Rushing called for the voice vote which was unanimous in favor of the motion.

Recommendation from the Murray Planning Commission was presented to the city council that the zoning ordinance be amended to establish the boundary for the proposed Historic Overlay District. The Planning Commission approved this recommendation by a vote of 5-1. **Mr. Billington moved, seconded by Mr. Lancaster** to approve said recommendation. Mr. Mattingly stated that this recommendation is that the Planning Commission agreed with the proposed historic district. With no further discussion, Mayor Rushing called for the voice vote which was unanimous in favor of the motion.

Recommendation from the Murray Planning Commission was presented to the council to accept

the streets for maintenance in Saratoga Springs Unit I and Unit II, Briarcrest Subdivision, Deer Meadow Subdivision, Fairfield Subdivision, Hunters Pointe Phase I and II, and the right-of-way in front of Murray Transit Authority and Tanglewood Apartments known as Transit Way. This recommendation is based on the findings that all of the streets lie within the corporate city limits of Murray and have been constructed in general accordance with city standards. The Planning Commission approved this recommendation by a vote of 6-0. **Mr. Lancaster moved, seconded by Mr. Scott** to approve said recommendation. Mr. Hudspeth questioned if there were any sidewalks in these areas and if we will take over the maintenance. David Roberts, Director of Planning and Engineering, stated that Fairfield Subdivision is the only area with sidewalks. With no discussion, Mayor Rushing called for the voice vote which was unanimous in favor of the motion.

Resolution Number 2008-011 a resolution authorizing the City of Murray to complete Form H.P. 1 (Hazardous Participation Certification) to petition the Board of Trustees of the Kentucky Retirement Systems to approve hazardous position coverage for the positions of police officer recruit, police officer, firefighter trainee, and firefighter was presented to the council for approval. **Mr. Pittman moved, seconded by Mr. Billington** to approve said recommendation. Cathy Morris, HR Director, stated that all positions in the police and fire department are hazardous duty. She stated that the general assembly enacted HB 1 which amended the requirements of the retirement system. She stated that any new participants hired after September 1, 2008, will all be non-hazardous. It is the cities responsibility to petition the Board to request the positions that they believe need to be hazardous duty. At this time we are requesting authorization from the council for these four positions. With no further discussion, Mayor Rushing called for the voice vote which was unanimous in favor of the motion.

Municipal Order 2009-014 reappointing Mary Anne Medlock to the City of Murray Planning Commission for a 4 year term which will expire September 9, 2012. **Mr. Billington moved, seconded by Mr. Lancaster** to approve said municipal order. With no further discussion, Mayor Rushing called for the voice call vote which was unanimous in favor of the motion.

Municipal Order 2009-015 appointing Carol Roberts to the Murray Calloway County Transit Authority to fill the unexpired term of Whitney Peaked. Said term will expire November 20, 2011. **Mr. Hudspeth moved, seconded by Mr. Pittman** to approve said municipal order. With no further discussion, Mayor Rushing called for the voice call vote which was unanimous in favor of the motion.

With no further business to come before the council, the meeting adjourned at 7:00 p.m.

H. Thomas Rushing, Mayor

Attest:

Harla McClure, City Clerk