

**MINUTES OF COUNCIL MEETING**  
**JANUARY 22, 2009**  
**6:30 P.M.**

The Murray City Council met in regular session on Thursday, January 22, 2009, at 6:30 p.m. in the Council Chambers of City Hall, with Mayor Rushing presiding.

**Council Members Present:** Pete Lancaster, Linda Cherry, Jeremy Bell, Dan Miller, Pat Scott, John Bowers, Robert Billington, Greg Anderson, Butch Seargent, Jane Brandon, Danny Hudspeth, and Bill Wells.

**Council Members Absent:** None.

**Staff Present:** Chief Ken Claud, J. L. Barnett, Ron Allbritten, Don Rogers, Dennis Thompson, David Roberts, Candace Dowdy, Cathy Morris, Michael Skinner, Alan Lanier, Matt Mattingly, and Harla McClure.

Minutes of the council meeting held January 8, 2009, were presented for approval. **Mr. Bowers 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 Chip Adams, attorney for the Murray Calloway County Hospital. He was present to discuss the establishment of a subsidiary corporation, Murray Calloway Endowment for Healthcare, Inc. and approve the proposed Articles of Incorporation and By-Laws. Mr. Adams stated there has always been a question if the hospital is authorized to form a subsidiary corporation simply because of the nature of the organization. He stated that it can be done so long as there is a measure of direct accountability to the governing bodies, which are the fiscal court and the city council. He stated that another corporation, the Murray Calloway County Emergency Medical Service, direct accountability is by having an identity of board of directors. He stated the board of directors for the hospital would serve as the board of directors for the Endowment. He stated the reason for forming this type of corporation is because the hospital is tax exempt but does not have a specialized status from the Internal Revenue Code and cannot apply for certain grants or solicit donations. The Endowment will have a 501(c)(3) status which will enable it to apply for the funds. Mr. Adams stated that the hospital is seeking the status of a public charity for this corporation. Mr. Adams stated the subsidiary will start with zero funds which will now allow the hospital to transfer any funds to the Endowment. **Mr. Billington moved, seconded by Mr. Wells** to approve the Articles of Incorporation and By-Laws for the Murray Calloway Endowment for Healthcare, Inc.

**Dr. Miller moved, seconded by Mr. Scott** to amend the motion by requiring that the Articles of Incorporation and By-Laws would be approved with the corrections proposed by the fiscal court, with the city council's proposal to have an annual reporting at the joint yearly meeting between the hospital, fiscal court, and city council, pending the final approval of the attorney for the City of Murray. Mayor Rushing called for the roll call vote which is recorded as follows:

**AYES:** Pete Lancaster, Linda Cherry, Jeremy Bell, Dan Miller, Pat Scott, John Bowers, Robert Billington, Greg Anderson, Butch Seargent, Jane Brandon, Danny Hudspeth, and Bill Wells.

**NAYES:** None.

Mayor Rushing declared said motion approved.

Mayor Rushing then asked for the roll call vote on the original motion as amended. With no further discussion, Mayor Rushing called for the roll call vote which is recorded as follows:

**AYES:** Pete Lancaster, Linda Cherry, Jeremy Bell, Dan Miller, Pat Scott, John Bowers, Robert Billington, Greg Anderson, Butch Seargent, Jane Brandon, Danny Hudspeth, and Bill Wells.

**NAYES:** None.

Mayor Rushing declared the motion approved as amended.

Mayor Rushing recognized Cameron Miller from Newwave Communications. Mr. Miller was present to discuss the switch to digital. He stated that their company is ready for the change in February and does not foresee any problems.

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 the Phase 5 Sewer Rehab Projects. He stated the following bids were reviewed:

Instituform Technologies, Inc. in the amount of \$443,951.46

Reynolds Inliner, LLC in the amount of \$504,177.50

SAK Construction, LLC in the amount of \$531,983.00

**Mr. Billington moved, as unanimously recommended by the Public Works Committee to accept the bid of Instituform Technologies, Inc. in the amount of \$443,951.46. Mr. Seargent seconded the motion.** Mr. Billington stated the project was budgeted at \$363,750. Mr. Billington stated that the project is over budget; however, Dennis Thompson, Project Coordinator, has also applied for \$158,777 from the Unobligated Pool Fund which is surplus grant money with KIA. In order to apply to the fund, the project either has to be an emergency or be under funded, which our project is. 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 again regarding the possible speeding on North 5<sup>th</sup>, 6<sup>th</sup>, and 7<sup>th</sup> Street. He stated that there were no decisions made at this time and that the committee needed additional information before a decision was made about what to do, if anything. He stated the committee is requesting that the police

department work with the neighborhood and move from warning individuals who may be speeding to writing citations for individuals speeding. Mr. Hudspeth did state that the committee wants the City to look at the budget to see if there were sufficient funds to purchase speed monitoring devices. **Mr. Hudspeth moved, as unanimously recommended by the Public Safety Committee**, to purchase speed monitoring devices in the approximate amount of \$2,700. **Mr. Scott seconded the motion.** With no further discussion, Mayor Rushing called for the voice vote which was unanimous in favor of the motion.

**Ordinance Number 2009-1478** (second reading) an ordinance enacting and adopting a supplement to the City of Murray Code of Ordinances was presented to the council on a second reading. **Mr. Anderson moved, seconded by Mr. Scott** to adopt said ordinance. With no discussion, Mayor Rushing called for the roll call vote which is recorded as follows:

**AYES:** Pete Lancaster, Linda Cherry, Jeremy Bell, Dan Miller, Pat Scott, John Bowers, Robert Billington, Greg Anderson, Butch Seargent, Jane Brandon, Danny Hudspeth, 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 2009-1479** (first reading) an ordinance was presented to the council on a first reading to amending Ordinance Number 2008-1464 which adopted the annual budget for the 2008-2009 Fiscal Year regarding the Pay Classification plan by vacating the position at Grade 21 of Computer Operator/Data Clerk and funding a position Grade 22 of Accounting Clerk. **Mr. Billington moved, seconded by Mr. Bell** to approve said ordinance. With no discussion, Mayor Rushing called for the roll call vote which is recorded as follows:

**AYES:** Pete Lancaster, Linda Cherry, Jeremy Bell, Dan Miller, Pat Scott, John Bowers, Robert Billington, Greg Anderson, Butch Seargent, Jane Brandon, Danny Hudspeth, and Bill Wells.

**NAYES:** None.

Mayor Rushing declared said ordinance approved on a first reading.

**Recommendation** from the Planning Commission to adopt, as part of the City of Murray Zoning Ordinance, the Historic Overlay District regulations which were adopted on November 13, 2008, by the city council pursuant to Ordinance Number 2008-1474 was presented to the council for approval. **Mr. Seargent moved, seconded by Mr. Billington** to approve said recommendation. With no further discussion, Mayor Rushing called for the voice vote which was unanimous in favor of the motion.

**Resolution Number 2009-001** a resolution supporting County Employee Retirement Systems Reform was presented to the council for approval. **Dr. Miller moved, seconded by Mr. Lancaster** to approve said resolution. Matt Mattingly, Director of Administration, stated

the general assembly had adopted changes last year and allowed the state to reach their full contribution obligations over a 10 year period and the cities are only allowed a five year period which would greatly affect us fiscally. This matter is going to be before the general assembly during this session and this shows support that this is a matter that needs to be addressed because it will greatly affect our budget. With no further discussion, Mayor Rushing called for the voice vote which was unanimous in favor of the motion.

Mr. Wells provided the following information for the Make a Difference Day held January 10, 2009: 156 eyeglasses; 250 pounds of clothes; 19 cell phones; 300 pounds of batteries; 35 tons of paper; 1100 pounds of aluminum cans; 7 gallons of drugs; 200 gallons of oil; and 492 inkjet cartridges. There were 168 volunteer hours and 585 cars went through the lines. He stated the next Make a Difference Day will be held March 14, 2009.

With no further business to come before the council, the meeting adjourned at 7:20 p.m.

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H. Thomas Rushing, Mayor

Attest:

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Harla McClure, City Clerk