

**MINUTES OF COUNCIL MEETING**  
**MARCH 26, 2009**  
**6:30 P.M.**

The Murray City Council met in regular session on Thursday, March 26, 2009, at 6:30 p.m. in the Council Chambers of City Hall, with Mayor Pro Tem Danny Hudspeth presiding.

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

**Council Members Absent:** None.

**Staff Present:** J. L. Barnett, Ron Allbritten, Philip Morris, Major Jeff Liles, Candace Dowdy, David Roberts, Cathy Morris, Michael Skinner, Alan Lanier, Matt Mattingly, and Harla McClure.

Minutes of the council meeting held March 12, 2009, were presented for approval. **Mr. Bowers moved, seconded by Dr. Miller,** 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 Robert Billington and requested that he provide a report. Mr. Billington stated the committee met to discuss bids for chemicals. Only one bid was received. **Mr. Billington moved, as unanimously recommended by the Public Works Committee,** to accept the bid of Brenntag as follows:

Item	Brenntag
Bulk Sodium Hydroxide	\$960/ton
Chlorine Cylinders	\$489/ton
Sulfur Dioxide	\$821/ton
Sodium Fluoride	\$.83/pound/\$103.75/125# drum

**Mr. Bowers 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 Bill Wells, Chairman of the Personnel/Finance Committee and requested that he provide a report. Mr. Wells stated there is a proposed evaluation which can be used as part of determining if an employee receives a merit increase. **Mr. Wells moved, as unanimously recommended by the Personnel/Finance Committee** to approve the changes to the employee evaluation. **Mr. Billington 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. Mr. Hudspeth stated the committee received reports from Major Jeff Liles of the Police Department and Chief Michael Skinner from the Fire Department regarding how the ice storm was handled.

**Ordinance Number 2009-1483** (first reading) an ordinance amending Chapter 150, Building Code, Section 150.01, Adoption by Reference, of the City of Murray Code of Ordinances in order to bring it in line with our current practice was presented to the council on a first reading. **Mr. Bell moved, seconded by Mr. Lancaster** to approve said ordinance. With no further discussion, Mayor Rushing called for the voice vote which is recorded as follows:

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

**NAYES:** None.

Mayor Rushing declared Ordinance Number 2009-1483 approved on a first reading.

**Ordinance Number 2009-1484** (first reading) an ordinance amending Ordinance Number 2008-1464, an ordinance which adopted the 2008-2009 City of Murray, Kentucky Annual Budget by restating Certain Revenues and Expenditures for the City of Murray, State and Federal Funded Projects. The City of Murray received grant funds from the Department for Libraries and Archives in order to secure microfilm tax assessment books between 1960 and 2002. Said grant was in the amount of \$7,448 and said ordinance was presented to the council on a first reading. **Mr. Anderson moved, seconded by Mr. Bowers** to approve said ordinance. With no further discussion, Mayor Rushing called for the voice vote which is recorded as follows:

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

**NAYES:** None.

Mayor Rushing declared Ordinance Number 2009-1484 approved on a first reading.

**Recommendation** from the Planning Commission was presented to the council authorizing the city attorney to draft an ordinance rezoning property located at 101 and 103 Spruce Street from R-5 (multi family residential) to I (industrial). Said property is comprised of 0.224 acres owned by William E. Gary and a 0.468 acre portion of right-of-way along Spruce Street. The recommendation to rezone was approved by a vote of 4-3, with one (1) abstention, based on the following findings of fact: (1) there have been major changes of an economic, social and physical nature within the area involved which were not anticipated in the adopted comprehensive plan and which have substantially altered the basic character of such area; (2) the rezoning will decrease the probability of any chance of a child coming in contact with any delivery trucks because the trucks will be off the street quicker than they are now, thus reducing congestion in the area and improving vehicular and pedestrian safety; (3) the property will be used for ingress and egress of delivery trucks only; (4) Kenlake Foods currently has one entrance to the front of their facility located on L.P. Miller Street and this would give them a second means of access to the rear of the building in case of emergency situations; and (5) applicant will

provide adequate screening along property lines adjacent to the residential zoning district. Mr. Bowers questioned about the fence and wanted to know the parameters of the fence. **Mr. Seargent moved, seconded by Mr. Scott** to approve said recommendation.

Ms. Dowdy said typically the zoning ordinance says when commercial or industrial property is adjacent to a residential zoning district, that some type of a solid screening is constructed. The height is anywhere from five feet to eight feet. He stated he had a problem of putting up a fence in the area and that it would deface the property in that area. Ms. Dowdy said the requirement for screening it to protect the integrity of the residential zoning district.

Mr. Seargent questioned if the adjoining property owner could request that the fence not be constructed and she stated that has happened in the past.

Mr. Hudspeth stated he did attend the planning commission meeting where this issue was discussed. His concerns are that we are dealing with two different zones. He stated the residential area is trying to survive in this small space. He stated when he visited the area there were several kids playing in the street from one end to another. This told him that this area is small but still alive.

With no further discussion, Mayor Rushing called for the roll call vote which is recorded as follows:

**AYES:** Pete Lancaster, Linda Cherry, Pat Scott, Butch Seargent, Jane Brandon, and Bill Wells.

**NAYES:** Jeremy Bell, Dan Miller, John Bowers, Robert Billington, Greg Anderson, and Danny Hudspeth.

The vote was tied 6 to 6; therefore, the Mayor broke the tie vote by voting yes on having the city attorney draft the ordinance.

Bill Wells provided the following report on the 70<sup>th</sup> Make a Difference Day: 338 eyeglasses; 200 pounds of clothes; 239 inkjet cartridges; 44 cell phones; 4000 pounds of glass; 400 pounds of batteries; 800 pounds of aluminum cans; 12 gallons of drugs; 110 gallons of oil; and 2000 pounds shredded. The next make a difference day is May 16, 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