

**MINUTES of SPECIAL MEETING
of the BOARD of COMMISSIONERS
of the CITY of BOWLING GREEN, KENTUCKY
held FEBRUARY 18, 2008**

The Board of Commissioners of the City of Bowling Green, Kentucky met in special session in the Commission Chamber of City Hall, Bowling Green, Kentucky at 7:00 p.m. on February 18, 2008. Mayor Elaine N. Walker called the meeting to order. Assistant City Manager/City Clerk Katie Schaller called the roll, and the following members were present: Commissioner Brian K. Strow, Commissioner Bruce Wilkerson, Commissioner Brian "Slim" Nash and Mayor Elaine N. Walker. Absent: Commissioner Joe W. Denning. There was a quorum of the Board of Commissioners.

S.T.A.R. AWARDS

Citizen Information and Assistance Director J. Michael Grubbs announced the nominations for and recipient of the *Linda Taylor Leigh S.T.A.R. (Service to Area Residents) Award* to recognize excellent customer service by City employees who are nominated by fellow employees or citizens. Grubbs stated that nominations were received and reviewed by an employee committee, and the five nominees were (1) Code Enforcement Inspector Melissa Christerson of the Housing and Community Development Department, (2) Detective David Dunn of the Police Department, (3) System Analyst Donnita Keen of the Information Technology Department, (4) Business Tax Auditor Jennifer Phillips of the Finance Department, and (5) Safety Training Manager David Weisbrodt of the Human Resources and Risk Management Department. With Mayor Walker's assistance, Grubbs presented each nominee with a lapel pin and a display for their work area denoting "I'm a rising star." Grubbs presented the *Linda Taylor Leigh S.T.A.R. Award* for 2007 to System Analyst Donnita Keen.

RECOGNITION

Mayor Walker announced that the Bowling Green Police Department Explorer Post 114 had competed in three events at the Winterfest Explorer Competition held February 1-4, 2008. She reported that the Bowling Green Explorers placed first in the *Escaped Inmate* competition with a perfect score evaluating tracking, apprehension and officer safety techniques.

CITY MANAGER

City Manager Kevin D. DeFebbo welcomed Police Officer Brandon Johnson who was in attendance to provide increased security.

APPROVAL OF MINUTES

Minutes of Special Meeting January 29, 2008 and Regular Meeting February 5, 2008

Minutes of the above-referenced meetings were distributed to the Board of Commissioners with the Agenda for their review. Motion was made by Wilkerson and seconded by Nash to approve said minutes as written. Mayor Walker asked for discussion, and with none, a roll call vote was taken.

ROLL CALL: Voting Yea: Strow, Wilkerson, Nash and Walker
 Voting Nay: None

Motion to approve the minutes of the special meeting of January 29, 2008 and regular meeting of February 5, 2008 was approved by unanimous vote.

CONSENT AGENDA

Mayor Walker requested if there were any items to be removed from the Consent Agenda prior to its consideration. With none, Assistant City Manager/City Clerk Katie Schaller read the summaries of each of the following items:

MUNICIPAL ORDER NO. 2008 - 33

MUNICIPAL ORDER AUTHORIZING THE ACCEPTANCE OF HOME INVESTMENT PARTNERSHIPS PROGRAM CONTINUATION FUNDS FROM KENTUCKY HOUSING CORPORATION IN THE AMOUNT OF \$375,000

MUNICIPAL ORDER NO. 2008 - 34

MUNICIPAL ORDER AUTHORIZING THE ACCEPTANCE OF GRANT FUNDS FROM THE WEYERHAEUSER COMPANY FOUNDATION FOR THE GREENWAYS COMMISSION OF BOWLING GREEN AND WARREN COUNTY IN THE AMOUNT OF \$5,000

MUNICIPAL ORDER NO. 2008 - 35

MUNICIPAL ORDER APPROVING AND AUTHORIZING OUT-OF-TOWN TRAVEL EXPENSES AND REIMBURSEMENT FOR MAYOR ELAINE N. WALKER TO ATTEND THE 76TH WINTER MEETING OF THE U.S. CONFERENCE OF MAYORS IN WASHINGTON, D.C.

MUNICIPAL ORDER NO. 2008 - 36

MUNICIPAL ORDER APPROVING RECOMMENDATION FROM THE BOWLING GREEN AREA CONVENTION AND VISITORS BUREAU TO DISTRIBUTE \$75,000 OF TRANSIENT ROOM TAXES TO THE AVIATION HERITAGE PARK

MUNICIPAL ORDER NO. 2008 - 37

MUNICIPAL ORDER APPROVING THE APPOINTMENT OF COMMISSIONER BRIAN "SLIM" NASH TO THE BOWLING

GREEN-WARREN COUNTY WELFARE CENTER, INC. BOARD
OF DIRECTORS

MUNICIPAL ORDER NO. 2008 - 38

MUNICIPAL ORDER APPROVING THE REAPPOINTMENT OF
GARY WELLS TO THE BOWLING GREEN FIRE DEPARTMENT
BURN VICTIM FUND BOARD OF ADVISORS

Motion was made by Wilkerson and seconded by Nash for acceptance of the Consent Agenda as presented. With no discussion, a roll call vote was taken.

ROLL CALL: Voting Yea: Strow, Wilkerson, Nash and Walker
Voting Nay: None

Motion to accept the Consent Agenda as presented was approved by unanimous vote.

REGULAR AGENDA

ORDINANCE NO. BG2008 - 6
(Second Reading)

ORDINANCE CREATING AND AUTHORIZING SALE OF GAS FRANCHISE

AN ORDINANCE OF THE CITY OF BOWLING GREEN, KENTUCKY PROVIDING FOR THE CREATION AND SALE OF A NON-EXCLUSIVE FRANCHISE FOR THE PRIVILEGE OF CONSTRUCTING, TRANSPORTING, OPERATING, MAINTAINING AND DISTRIBUTING NATURAL GAS ALONG AND UNDER PUBLIC RIGHT-OF-WAY WITHIN THE CITY OF BOWLING GREEN, KENTUCKY FOR A TERM OF TEN (10) YEARS IN CONSIDERATION FOR WHICH, THE SUCCESSFUL FRANCHISEE SHALL PAY TO THE CITY AN ANNUAL SUM EQUAL TO A MINIMUM OF ONE PERCENT (1%) OF THE GROSS REVENUES DERIVED FROM THE FRANCHISE AWARDED HEREIN; AND FURTHER ESTABLISHING A BID PROCEDURE FOR THE AWARD OF SAID FRANCHISE TO THE SUCCESSFUL BIDDER

Title and summary of Ordinance No. BG2008 - 6 was read by the Assistant City Manager/City Clerk. Motion was made by Wilkerson and seconded by Walker for second reading of said Ordinance. Mayor Walker asked for discussion, and with none, a roll call vote was taken.

ROLL CALL: Voting Yea: Wilkerson and Walker
Voting Nay: Strow and Nash

Second Reading of Ordinance No. BG2008 - 6 failed for lack of majority vote. City Attorney Gene Harmon confirmed that the ordinance did not pass approval and would not be adopted into law.

ORDINANCE NO. BG2008 - 8
(Second Reading)

ORDINANCE AMENDING CODE OF ORDINANCES

ORDINANCE REPEALING EXISTING AND ADOPTING A NEW CHAPTER 18 (OCCUPATIONAL LICENSE FEES AND TAXES) OF THE CITY OF BOWLING GREEN CODE OF ORDINANCES AS REQUIRED BY KENTUCKY REVISED STATUTES TO STANDARDIZE PROVISION LANGUAGE

Title and summary of Ordinance No. BG2008 - 8 was read by the Assistant City Manager/City Clerk. Motion was made by Wilkerson and seconded by Strow for second reading of said Ordinance. Mayor Walker asked for discussion, and with none, a roll call vote was taken.

ROLL CALL: Voting Yea: Strow, Wilkerson, Nash and Walker
 Voting Nay: None

Ordinance No. BG2008 - 8 was adopted by unanimous vote.

MUNICIPAL ORDER NO. 2008 - 39

MUNICIPAL ORDER APPROVING THE PROBATIONARY APPOINTMENT OF STEVEN CLAY COLEMAN TO THE POSITION OF FIRE CODE INSPECTOR FOR THE FIRE DEPARTMENT

Summary of Municipal Order No. 2008 - 39 was read by the Assistant City Manager/City Clerk. Motion was made by Wilkerson and seconded by Nash for consideration of said Municipal Order. DeFebbo reviewed the position and the qualifications of the recommended applicant. Mayor Walker asked for additional discussion, and with none, a roll call vote was taken.

ROLL CALL: Voting Yea: Strow, Wilkerson, Nash and Walker
 Voting Nay: None

Municipal Order No. 2008 - 39 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2008 - 40

MUNICIPAL ORDER AUTHORIZING AND ACCEPTING BID #2008-36 FOR BANKING SERVICES FROM US BANK FOR A PERIOD OF ONE (1) YEAR WITH AN OPTION TO RENEW FOR FOUR (4) ADDITIONAL YEARS

Summary of Municipal Order No. 2008 - 40 was read by the Assistant City Manager/City Clerk. Motion was made by Wilkerson and seconded by Strow for consideration of said Municipal Order. DeFebbo reviewed the requirement for banking services and the process undertaken to determine the recommended award. Chief Financial Officer Jeff Meisel outlined the request for proposals and the evaluation process. Mayor Walker asked for additional discussion, and with none, a roll call vote was taken.

ROLL CALL: Voting Yea: Strow, Wilkerson, Nash and Walker
 Voting Nay: None

Municipal Order No. 2008 - 40 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2008 - 41

MUNICIPAL ORDER AUTHORIZING AND ACCEPTING BID #2008-46 FOR CISCO WIRELESS EQUIPMENT FROM SENTINEL TECHNOLOGIES, INC. OF DOWNERS GROVE, ILLINOIS IN THE AMOUNT NOT TO EXCEED \$201,300

Summary of Municipal Order No. 2008 - 41 was read by the Assistant City Manager/City Clerk. Motion was made by Wilkerson and seconded by Nash for consideration of said Municipal Order. DeFebbo recommended the bid award to purchase additional equipment for the Public Safety wireless project. He noted that this portion of the project would be paid out of Kentucky Homeland Security grant funds. Mayor Walker asked for additional discussion, and with none, a roll call vote was taken.

ROLL CALL: Voting Yea: Strow, Wilkerson, Nash and Walker
 Voting Nay: None

Municipal Order No. 2008 - 41 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2008 - 42

MUNICIPAL ORDER AUTHORIZING AND ACCEPTING BID #2008-27 FOR CONSTRUCTION OF THE GREENWOOD FIRE STATION FROM VARIOUS VENDORS IN THE TOTAL AMOUNT OF \$2,579,992.17

Summary of Municipal Order No. 2008 - 42 was read by the Assistant City Manager/City Clerk. Motion was made by Wilkerson and seconded by Strow for consideration of said Municipal Order. DeFebbo stated that this issue was discussed at the earlier work session. He recommended the awards for construction and indicated that portions of the Fire Station facility would be used by Police and Information Technology. Fire Chief Greg Johnson responded to questions about the development of facility plans and the funding source from the Fire Improvement Fund. Mayor Walker asked for additional discussion, and with none, a roll call vote was taken.

ROLL CALL: Voting Yea: Strow, Wilkerson, Nash and Walker
 Voting Nay: None

Municipal Order No. 2008 - 42 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2008 - 43

MUNICIPAL ORDER AUTHORIZING AND ACCEPTING BID #2008-24 FOR GOLF DIVISION SOFTWARE FROM INTEGRATED BUSINESS SYSTEMS, INC. (IBS) OF RICHMOND, VIRGINIA IN THE AMOUNT OF \$31,649

Summary of Municipal Order No. 2008 - 43 was read by the Assistant City Manager/City Clerk. Motion was made by Nash and seconded by Wilkerson for consideration of said Municipal Order. DeFebbo recommended the replacement of golf software to improve functionality and reporting. He also noted that the use of this software would provide a cost savings from the current

maintenance expenses for existing software. Mayor Walker asked for additional discussion, and with none, a roll call vote was taken.

ROLL CALL: Voting Yea: Strow, Wilkerson, Nash and Walker
 Voting Nay: None

Municipal Order No. 2008 - 43 was approved by unanimous vote.

ORDINANCE NO. BG2008 - 9

(First Reading)

ORDINANCE AMENDING CODE OF ORDINANCES

**ORDINANCE AMENDING CHAPTER 25 (CODE OF ETHICS) OF
THE CITY OF BOWLING GREEN CODE OF ORDINANCES
RELATED TO THE REQUIRED CONFLICT OF INTEREST
STATEMENTS FILED BY MEMBERS OF DESIGNATED BOARDS**

Title and summary of Ordinance No. BG2008 - 9 was read by the Assistant City Manager/City Clerk. Motion was made by Strow and seconded by Walker for first reading of said Ordinance. DeFebbo reviewed the recommendation by the Board of Ethics to change language in the Ethics Code related to conflicts of interest statements filed by selected City agencies. Special Projects Coordinator CJ Johanson of the Downtown Redevelopment Authority outlined the requested changes which were presented by DRA to the Board of Ethics for its consideration. City Attorney Gene Harmon responded to questions about who the language applied to and whether it included family members as well. He also reviewed the amended Conflict of Interest Statement form which corresponded with the recommended changes.

Comm. Wilkerson expressed concern that the proposed language revisions did not specifically state that an appointed board member was also required to disclose any conflicts of interest of family members. To address that concern, Mayor Walker suggested the addition of some language to the ordinance in paragraph 25-12 (2) of the Code of Ethics. Motion was made by Wilkerson, seconded by Walker, to amend Ordinance No. BG2008 - 9 to specifically include additional language that "...neither they nor any member of their family shall derive" any benefit or profit from inside information. Following clarification of the suggested additional language, a roll call vote was taken.

ROLL CALL: Voting Yea: Strow, Wilkerson, Nash and Walker
 Voting Nay: None

Motion to amend Ordinance No. BG2008 - 9 to include additional language in the Ethics Code that required a board member to disclose any conflicts of interest of family members in addition to himself was approved by unanimous vote.

Once all discussion ended, a roll call vote was taken on the Ordinance as amended.

ROLL CALL: Voting Yea: Strow, Wilkerson, Nash and Walker
 Voting Nay: None

First reading of Ordinance No. BG2008 - 9 as amended was approved by unanimous vote.

ORDINANCE NO. BG2008 - 10

(First Reading)

ORDINANCE REZONING REAL ESTATE

ORDINANCE REZONING A TRACT OF LAND CONTAINING 4.86 ACRES FROM HB (HIGHWAY BUSINESS) TO LI (LIGHT INDUSTRY) LOCATED AT 768, 772, 784, 790 AND 796 INTERSTATE DRIVE AND LOT 3, WITH BINDING ELEMENTS, PRESENTLY OWNED BY LEON AND JOHN TARTER

Title and summary of Ordinance No. BG2008 - 10 was read by the Assistant City Manager/City Clerk. Motion was made by Wilkerson and seconded by Strow for first reading of said Ordinance. City-County Planning Commission Director Steve Hunter reviewed the recommended rezoning and its binding elements. He also responded to questions about required landscaping and screening of equipment. Mayor Walker asked for additional discussion, and with none, a roll call vote was taken.

ROLL CALL: Voting Yea: Strow, Wilkerson, Nash and Walker
 Voting Nay: None

First reading of Ordinance No. BG2008 - 10 was approved by unanimous vote.

ORDINANCE NO. BG2008 - 11
(First Reading)
ORDINANCE REZONING REAL ESTATE

ORDINANCE REZONING A TRACT OF LAND CONTAINING 2.552 ACRES FROM LI (LIGHT INDUSTRY) TO HI (HEAVY INDUSTRY) LOCATED AT THE END OF PRESTON AVENUE, WITH BINDING ELEMENTS, PRESENTLY OWNED BY BOWLING GREEN MUNICIPAL UTILITIES (BGMU) WITH REPUBLIC SERVICES OF KENTUCKY, LLC AS CONTRACT VENDEE

Title and summary of Ordinance No. BG2008 - 11 was read by the Assistant City Manager/City Clerk. Motion was made by Wilkerson and seconded by Nash for first reading of said Ordinance. City-County Planning Commission Director Steve Hunter reviewed the recommended rezoning and its binding elements. Mayor Walker asked for additional discussion, and with none, a roll call vote was taken.

ROLL CALL: Voting Yea: Strow, Wilkerson, Nash and Walker
 Voting Nay: None

First reading of Ordinance No. BG2008 - 11 was approved by unanimous vote.

ORDINANCE NO. BG2008 - 12
(First Reading)
ORDINANCE REZONING REAL ESTATE

ORDINANCE REZONING TWO TRACTS OF LAND CONTAINING 24.672 +/- ACRES FROM RS-1A (SINGLE FAMILY RESIDENTIAL) TO HB (HIGHWAY BUSINESS) LOCATED AT 1805 WESTEN STREET AND 2232 SMALLHOUSE ROAD, WITH BINDING ELEMENTS, PRESENTLY OWNED BY LIVING HOPE BAPTIST CHURCH AND HOLY SPIRIT PARISH OF BOWLING GREEN

Title and summary of Ordinance No. BG2008 - 12 was read by the Assistant City Manager/City Clerk. Motion was made by Nash and seconded by Strow for first reading of said Ordinance. City-County Planning Commission Director Steve Hunter reviewed the recommended rezoning and its binding elements. Comm. Nash disclosed that he and his wife had recently attended services at Living Hope Baptist Church, but that he was not a member of the Church. Mayor Walker asked for additional discussion, and with none, a roll call vote was taken.

ROLL CALL: Voting Yea: Strow, Nash and Walker
 Voting Nay: None
 Abstaining: Wilkerson

First reading of Ordinance No. BG2008 - 12 was approved by majority vote. Comm. Wilkerson abstained since he was a member of Living Hope Baptist Church.

ORDINANCE NO. BG2008 - 13
(First Reading)
ORDINANCE ANNEXING PROPERTY

ORDINANCE ANNEXING UNINCORPORATED TERRITORY
CONTAINING APPROXIMATELY 16.92 ACRES IN THE VICINITY
OF EDWARD DRIVE/CEDARWOOD WAY, WITH ALL SUCH
TERRITORY BEING CONTIGUOUS TO EXISTING CITY LIMITS

Title and summary of Ordinance No. BG2008 - 13 was read by the Assistant City Manager/City Clerk. Motion was made by Nash and seconded by Strow for first reading of said Ordinance. DeFebbo reviewed the annexation and involvement of the area residents. Citizen Information and Assistance Director J. Michael Grubbs explained that this item was the follow up to Ordinance No. BG2007 - 49 which expressed the City's intent and desire to annex this property.

Mr. Grubbs also reported that he had contacted residents in the surrounding neighborhood, as directed by the Board, to determine if other residents were interested in being annexed. Comm. Nash voiced his appreciation for the work that had been done and he commented about closing County "islands" (areas which were not considered in the City limits, but surrounded by City territory). He stated that the City needed to make a decision if it wanted to move forward with this process. Otherwise, he suggested that the City should forget about it and not spend the time and effort in determining further interest.

Mayor Walker asked for additional discussion, and with none, a roll call vote was taken.

ROLL CALL: Voting Yea: Strow, Wilkerson, Nash and Walker
 Voting Nay: None

First reading of Ordinance No. BG2008 - 13 was approved by unanimous vote.

SPECIAL REQUEST

Mayor Walker announced that Comm. Denning had requested that the next four items be discussed when he had an opportunity to participate in the discussion. She explained that he was absent due to unforeseen circumstances. Comm. Strow, as sponsor of the four items, stated that he would leave that decision up to the Board. Although, he expressed interest in at least being able to present his reasons for proposing each of the items. Comm. Nash suggested allowing limited

discussion and to allow any public comment from anyone in attendance at the meeting. The Board members agreed.

MUNICIPAL ORDER NO. 2008 - 44

MUNICIPAL ORDER DIRECTING CITY STAFF TO BEGIN THE PROCESS FOR ANNEXATION INTO THE CITY LIMITS THE RIGHT-OF-WAY OF CEMETERY ROAD FROM BRITE WAY TO LOVERS LANE

Summary of Municipal Order No. 2008 - 44 was read by the Assistant City Manager/City Clerk. Motion was made by Strow and seconded by Nash for consideration of said Municipal Order on a limited basis. Comm. Strow explained that since Cemetery Road was the premiere gateway into the City, the City should be responsible for its appearance. He suggested that Parks and Recreation Department could take over maintenance of the median from Operation P.R.I.D.E., freeing up money provided by the City to P.R.I.D.E.

Motion was made by Strow and seconded by Nash to table Municipal Order No. 2008 - 44 for further discussion at a future meeting of the Board. A roll call vote was taken.

ROLL CALL: Voting Yea: Strow, Wilkerson, Nash and Walker

Voting Nay: None

Motion to table Municipal Order No. 2008 - 44 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2008 - 45

MUNICIPAL ORDER AMENDING THE PREMIUM SHARE FOR THE FOUR-TIER PREMIUM STRUCTURE OF THE EMPLOYEE MEDICAL BENEFIT PLAN BETWEEN EMPLOYEES AND THE CITY FOR FISCAL YEARS 2009 AND 2010

Summary of Municipal Order No. 2008 - 45 was read by the Assistant City Manager/City Clerk. Motion was made by Strow and seconded by Nash for consideration of said Municipal Order on a limited basis. Comm. Strow reviewed his proposal to increase the premium share for employees over the next two years as a continuation of the plan put in place by the Board of Commissioners in 2006 with Municipal Order No. 2006 - 95. He also indicated that he would welcome the opportunity to review other data on the subject.

Senior System Engineer Steve Milam, a member of the Employee Healthcare Committee, asked the Board to consider postponing its discussion on this issue indefinitely to allow the Committee time to provide a recommendation for changes to the Plan structure. Comm. Strow indicated that he would have no problem with that request; however, he did not want to wait too long before a decision could be made by the Board and miss an opportunity for implementation with the Fiscal Year 2009 budget.

City Manager DeFebbo stated that he planned to have a presentation about the health insurance fund at the March 4, 2008 work session. He reported that the City had saved money over the past two years with changes in the Agent of Record and Third Party Administrator. He also commented about

the work of the Employee Committee to provide recommended changes that would help keep the health insurance costs to the City flat or only growing at the rate of the Consumer Price Index for each year. Mayor Walker stated that she appreciated the City Manager's approach to contain costs. She expressed the importance of limiting the City's exposure and containing the City's costs rather than charging the employees more.

Comm. Wilkerson made a motion, which was seconded by Strow, to table Municipal Order No. 2008 - 45 until such time that the Employee Healthcare Committee had an opportunity to review it and prepare a recommendation, but given sufficient time that the Board could address it before the budget meetings began. A roll call vote was taken.

ROLL CALL: Voting Yea: Strow, Wilkerson, Nash and Walker
 Voting Nay: None

Motion to table Municipal Order No. 2008 - 45 to allow time for the Employee Healthcare Committee to address the issue was approved by unanimous vote.

RESOLUTION NO. 2008 - 1

RESOLUTION EXPRESSING THE CITY'S DESIRE TO SELL
PROPERTY REFERRED TO AS THE STATE STREET PARKING
LOT FOLLOWING THE CONSTRUCTION OF A PARKING
GARAGE IN DOWNTOWN BOWLING GREEN

Summary of Resolution No. 2008 - 1 was read by the Assistant City Manager/City Clerk. Motion was made by Strow and seconded by Nash for consideration of said Resolution for limited discussion. Comm. Strow proposed to sell property as a way to recuperate costs from constructing the parking garage included in the Tax Increment Financing (TIF) project. He suggested that upon completion of the construction, the City should sell this property to the highest bidder and eliminate a duplication in services by operating two parking facilities that close together.

Tom Holmes, owner of 440 Main Restaurant, expressed concern with the City eliminating parking in the downtown area. He stated that it was essential to small businesses in the downtown to have convenient parking, particularly with the loss of parking from construction of a new BB&T bank off the Square.

Michael Barren, owner of Morris Jewelry, stated that it was important to have parking available for downtown businesses and to provide a place for owners and employees to park which would free up spaces on the Square. He requested that the Board consider not eliminating this parking.

Operation P.R.I.D.E. Executive Director Karen Hume, a resident living near Fountain Square Park, expressed concern for the safety of downtown residents who would have to walk farther to park their cars, particularly at night, if there was not parking available behind the Square.

City-County Planning Commission Director Steve Hunter suggested that as the downtown developed with the TIF project, there would be a need for a traffic study and/or a master parking study. He noted that the Zoning Ordinance governed the requirements for parking and that the Planning Commission would need to review those needs as they come up.

John Williams, owner of Dollar Brothers Shoe Company, also expressed concern with the potential loss of parking in the downtown area. He reiterated that the downtown businesses needed to have accessible parking available for its patrons and employees.

Once all public comments ended, motion was made by Strow and seconded by Nash to table Resolution No. 2008 – 1 for consideration at a future meeting. A roll call vote was taken.

ROLL CALL: Voting Yea: Strow, Wilkerson, Nash and Walker

Voting Nay: None

Motion to table Resolution No. 2008 - 1 was approved by unanimous vote.

RESOLUTION NO. 2008 – 2

RESOLUTION ENCOURAGING AND SUPPORTING THE DOWNTOWN REDEVELOPMENT AUTHORITY, INC. TO APPLY FOR A ZONE CHANGE FOR 601 STATE STREET TO CB (CENTRAL BUSINESS)

Summary of Resolution No. 2008 - 2 was read by the Assistant City Manager/City Clerk. Motion was made by Strow and seconded by Nash for consideration of said Resolution for limited discussion. Comm. Strow reviewed his proposal for recommending the rezoning of 601 State Street as a way to avoid removing green space from Circus Square to build parking for a restaurant proposed to locate in the building.

Comm. Wilkerson expressed concern with the Board stating its opinion and predetermining its position on a rezoning issue which would eventually be brought back to it for consideration following the Planning Commission's public hearing on the rezoning. Therefore, he recused himself from voting on this item and stated he would not participate in the discussion.

City Attorney Gene Harmon responded to Comm. Wilkerson's concern and indicated that it was unusual that the City would initiate a zone change for property it did not own. In order to maintain a level of objectivity, he recommended that the Board reserve judgment on this issue. Mayor Walker and Comm. Nash both recused themselves as well. Thus, the Board of Commissioners lost its quorum to proceed. In turn, Comm. Strow withdrew the Resolution to allow the meeting to continue.

BOARD OF COMMISSIONERS COMMENTS

In light of the last four topics presented on the agenda, Mayor Walker suggested that any weighty issues to be addressed by the Board should first be brought forward in a work session. She commented about the agreement by the majority of the Board of Commissioners in 2006 to place substantive issues that require major policy changes on a work session to provide more in-depth discussion and review prior to a vote.

Comm. Nash agreed with placing items on a work session; however, he questioned whose responsibility it was to define which issues were weighty. Mayor Walker mentioned that at the previous discussion held on March 7, 2006, it was suggested that the City Manager give a litmus test to determine which issues met that criteria. Mr. DeFebbo stated that the Board should be self-policing

and that he should not be placed in the position of having to determine which of the issues one Board member might introduce as being important to the entire Board of Commissioners. Comm. Wilkerson agreed.

Comm. Strow agreed that the Board should be self-policing and he indicated that one of the ways for that to be accomplished was with the previous change made in the meeting procedures which required a motion and a second before any items could be considered. If there were not two people on the Board willing to discuss the issue, then it did not move forward. However, he expressed concern with items potentially not being discussed at or being bumped from a work session because there was only so much time available or due to other scheduling limitations.

Mayor Walker commented about the ability of providing an opportunity for the public to speak about issues and the occasion, similar to this meeting, where items were seconded simply to allow individuals in the audience an opportunity to be heard. She encouraged the members to exercise servility and understanding that the public and the Board be afforded ample time to address weighty issues and that it be done by self-policing.

CLOSED SESSION

City Manager Kevin D. DeFebbo requested a closed session for the purpose of discussion on the future acquisition of real property by the City as publicity would likely affect the value of the specific piece of property to be acquired for public use and for discussion of pending litigation against the City. Motion was made by Strow and seconded by Wilkerson to convene in closed session pursuant to KRS 61.810 (b) and (c). Walker called for roll call vote.

ROLL CALL: Voting Yea: Strow, Wilkerson, Nash and Walker
 Voting Nay: None

Motion to convene in closed session pursuant to KRS 61.810 (b) and (c) was approved by unanimous vote. Following a brief recess to clear the Commission Chamber, the Board of Commissioners met in closed session at approximately 8:50 p.m.

ADJOURNMENT

Once all discussion concluded in closed session and there being no further business to come before the Board of Commissioners, at approximately 9:10 p.m., Mayor Walker declared this meeting adjourned.

WORK SESSION

Prior to the special meeting and with no action taken, the Board of Commissioners, excluding Commissioner Denning, convened at 4:00 p.m. in the Commission Chamber of City Hall for a special work session to discuss the following subjects: 1) an update regarding the Greenwood Fire Station project; and 2) the agency funding procedures and consideration in the Fiscal Year 2009 budget process.

(Minutes-Board of Commissioners-February 18, 2008)

ADOPTED: _____

APPROVED: _____
Mayor, Chairman of Board of Commissioners

ATTEST: _____
City Clerk

Minutes prepared by Assistant City Manager/City Clerk Katie Schaller