

**MINUTES of REGULAR MEETING
of the BOARD of COMMISSIONERS
of the CITY of BOWLING GREEN, KENTUCKY
held APRIL 19, 2011**

The Board of Commissioners of the City of Bowling Green, Kentucky met in regular session in the Commission Chamber of City Hall, Bowling Green, Kentucky at 7:00 p.m. on April 19, 2011. Mayor Joe W. Denning called the meeting to order. An invocation was given by Tim Leigh member of Eastwood Baptist Church, and all present recited the Pledge of Allegiance. Assistant City Manager/City Clerk Katie Schaller called the roll, and the following members were present: Commissioner Brian "Slim" Nash, Commissioner Bill Waltrip, Commissioner Bruce Wilkerson, Commissioner Melinda M. Hill and Mayor Joe W. Denning. Absent: none. There was a full quorum of the Board of Commissioners.

AWARDS & RECOGNITIONS

Operation P.R.I.D.E. Executive Director Ray Lackey presented P.R.I.D.E.'s monthly commercial award to Select Inc. for improvements made to 600 State Street. Owners Tim and Linda Leigh accepted the award and expressed their appreciation. Mayor Denning remarked that Linda Leigh was the former City Clerk and worked for the City for many years. He also commended Mr. and Mrs. Leigh for their efforts with taking on the building and creating a benchmark for the community.

Mr. Lackey also announced the 3rd Annual Olde Stone Run for PRIDE event would be held on May 21, 2011, with a pre-pasta dinner on May 20th.

CITY MANAGER

City Manager Kevin D. DeFebbo requested a closed session for the purpose of discussion of proposed litigation against the City and discussion which might lead to the discipline or dismissal of individual employees without restricting the employees' right to a public hearing if requested. Motion was made by Nash and seconded by Wilkerson to convene in closed session following the regular meeting pursuant to KRS 61.810 (1) (c) and (f). Denning called for roll call vote.

ROLL CALL: Voting Yea: Nash, Waltrip, Wilkerson, Hill and Denning
 Voting Nay: None

Motion to convene in closed session pursuant to KRS 61.810 (1) (c) and (f) was approved by unanimous vote.

APPROVAL OF MINUTES

Minutes of Regular Meeting April 5, 2011

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

ROLL CALL: Voting Yea: Nash, Waltrip, Wilkerson, Hill and Denning
Voting Nay: None

Motion to approve the minutes of the regular meeting of April 5, 2011 was approved by unanimous vote.

PUBLIC COMMENTS

On behalf of the Kentucky Center for Smoke-free Policy (KCSP), Director of Barren River District Health Department Dennis Chaney presented the City of Bowling Green with the 2011 KCSP Smoke-free Indoor Air Excellence Award dated March 24, 2011. This award was provided for the City's "exceptional leadership and collaborative efforts in promoting the health of the citizens of Bowling Green by enacting a comprehensive smoke-free ordinance."

Mayor Denning agreed there was a healthy debate with some who agreed and some who disagreed with the action of the Board. He also mentioned that booklets and brochures were available and being distributed to provide businesses and individuals with a better understanding of the new regulations.

**ORDINANCE NO. BG2011 - 16
(Second Reading)
ORDINANCE REZONING REAL ESTATE**

ORDINANCE REZONING A TRACT OF LAND CONTAINING 0.684 ACRE FROM RM-4 (MULTI-FAMILY RESIDENTIAL) TO OP-C (OFFICE PROFESSIONAL- COMMERCIAL) LOCATED AT 1602 WESTEN STREET, PRESENTLY OWNED BY TIM AND JAMIE WHITAKER, WHITAKER ENTERPRISES LIMITED PARTNERSHIP

Title and summary of Ordinance No. BG2011 - 16 was read by the Assistant City Manager/City Clerk. Motion was made by Wilkerson and seconded by Waltrip for second reading of said Ordinance. Mayor Denning asked for discussion, and with none, a roll call vote was taken.

ROLL CALL: Voting Yea: Nash, Waltrip, Wilkerson, Hill and Denning
Voting Nay: None

Ordinance No. BG2011 - 16 was adopted by unanimous vote.

**ORDINANCE NO. BG2011 - 17
(Second Reading)
ORDINANCE AMENDING CODE OF ORDINANCES**

ORDINANCE AMENDING CHAPTER 11 (FINANCE, TAXATION AND ECONOMIC DEVELOPMENT) OF THE CITY OF BOWLING GREEN CODE OF ORDINANCES TO MAKE AMENDMENTS TO THE JOB DEVELOPMENT INCENTIVE PROGRAM

Title and summary of Ordinance No. BG2011 - 17 was read by the Assistant City Manager/City Clerk. Motion was made by Wilkerson and seconded by Nash for second reading of said Ordinance. Mayor Denning asked for discussion, and with none, a roll call vote was taken.

ROLL CALL: Voting Yea: Nash, Waltrip, Wilkerson, Hill and Denning
 Voting Nay: None
Ordinance No. BG2011 - 17 was adopted by unanimous vote.

MUNICIPAL ORDER NO. 2011 - 62

MUNICIPAL ORDER APPROVING THE APPOINTMENT OF DALE
NAPIER TO THE WARREN COUNTY BOARD OF ASSESSMENT
APPEALS, ALSO KNOWN AS THE LOCAL BOARD OF
PROPERTY TAX APPEALS

Summary of Municipal Order No. 2011 - 62 was read by the Assistant City Manager/City Clerk. Motion was made by Wilkerson and seconded by Nash for consideration of said Municipal Order. Mayor Denning asked for discussion, and with none, a roll call vote was taken.

ROLL CALL: Voting Yea: Nash, Waltrip, Wilkerson, Hill and Denning
 Voting Nay: None
Municipal Order No. 2011 - 62 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2011 - 63

MUNICIPAL ORDER APPROVING THE APPOINTMENT OF NEIL
PARAGH TO THE BOWLING GREEN AREA CONVENTION AND
VISITORS BUREAU

Summary of Municipal Order No. 2011 - 63 was read by the Assistant City Manager/City Clerk. Motion was made by Wilkerson and seconded by Nash for consideration of said Municipal Order. Mayor Denning asked for discussion, and with none, a roll call vote was taken.

ROLL CALL: Voting Yea: Nash, Waltrip, Wilkerson, Hill and Denning
 Voting Nay: None
Municipal Order No. 2011 - 63 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2011 - 64

MUNICIPAL ORDER APPROVING THE NOMINATION OF
DOUGLAS D. ROHRER TO SERVE ON THE INTER-MODAL
TRANSPORTATION AUTHORITY, INC. BOARD OF DIRECTORS
AND AUTHORIZING THE SUBMISSION OF HIS NOMINATION
TO THE WARREN COUNTY JUDGE EXECUTIVE

Summary of Municipal Order No. 2011 - 64 was read by the Assistant City Manager/City Clerk. Motion was made by Wilkerson and seconded by Nash for consideration of said Municipal Order. Mayor Denning asked for discussion, and with none, a roll call vote was taken.

ROLL CALL: Voting Yea: Nash, Waltrip, Wilkerson, Hill and Denning
 Voting Nay: None
Municipal Order No. 2011 - 64 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2011 - 65

MUNICIPAL ORDER APPROVING THE REAPPOINTMENT OF SHAWN SINCLAIR TO THE UNIVERSITY DISTRICT REVIEW COMMITTEE

Summary of Municipal Order No. 2011 - 65 was read by the Assistant City Manager/City Clerk. Motion was made by Wilkerson and seconded by Waltrip for consideration of said Municipal Order. Mayor Denning recommended the reappointment since Mr. Sinclair had not served very long on the committee. He asked for additional discussion, and with none, a roll call vote was taken.

ROLL CALL: Voting Yea: Nash, Waltrip, Wilkerson, Hill and Denning
 Voting Nay: None

Municipal Order No. 2011 - 65 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2011 - 66

MUNICIPAL ORDER APPROVING THE TRANSFER OF JENNIFER O. EDWARDS TO THE POSITION OF OFFICE ASSOCIATE IN THE POLICE DEPARTMENT

Summary of Municipal Order No. 2011 - 66 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 recent opening created from a promotion and the subsequent internal search for a candidate to fill the vacated position, and he recommended the transfer of Ms. Edwards to fill the vacancy. Mayor Denning asked for additional discussion, and with none, a roll call vote was taken.

ROLL CALL: Voting Yea: Nash, Waltrip, Wilkerson, Hill and Denning
 Voting Nay: None

Municipal Order No. 2011 - 66 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2011 - 67

MUNICIPAL ORDER APPROVING THE CAREER PATH ADVANCEMENT OF ERIC J. JOINER TO THE POSITION OF OPERATIONS TECHNICIAN II IN THE PUBLIC WORKS DEPARTMENT

Summary of Municipal Order No. 2011 - 67 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 reviewed the established career path program and recommended the promotion created from a recent resignation. Mayor Denning asked for additional discussion, and with none, a roll call vote was taken.

ROLL CALL: Voting Yea: Nash, Waltrip, Wilkerson, Hill and Denning
 Voting Nay: None

Municipal Order No. 2011 - 67 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2011 - 68

MUNICIPAL ORDER AUTHORIZING AND ACCEPTING BID #2011-37 FOR LEASE OF 1220 FAIRVIEW AVENUE FROM TRAXRUNNING OF BOWLING GREEN, KENTUCKY FOR THE AMOUNT OF \$1,500 PER MONTH AND AUTHORIZING THE MAYOR TO EXECUTE A LEASE AGREEMENT

Summary of Municipal Order No. 2011 - 68 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 indicated that this facility was formerly used as a daycare by Community Action of Southern Kentucky and vacated last summer. He reviewed the request for proposals sought and recommended approval of the one proposal received for a compatible athletic use. Mayor Denning commented about the continued use of the facility through the years. He asked for additional discussion, and with none, a roll call vote was taken.

ROLL CALL: Voting Yea: Nash, Waltrip, Wilkerson, Hill and Denning
 Voting Nay: None

Municipal Order No. 2011 - 68 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2011 - 69

MUNICIPAL ORDER APPROVING PARKS AND RECREATION FEES

Summary of Municipal Order No. 2011 - 69 was read by the Assistant City Manager/City Clerk. Motion was made by Wilkerson and seconded by Nash for consideration of said Municipal Order. In an effort to assist with the operational costs to run several of the Parks and Recreation Departmental programs, DeFebbo outlined the proposed updated fee structure.

Mayor Denning asked if there would be the ability to hire more students for summer programs. Parks and Recreation Director Ernie Gouvas indicated that they planned to operate at the same level of existing staff positions.

Comm. Nash reminded everyone that there was just a few more days left to purchase a discounted season pass to the waterpark and he remarked about its good value. Following the discussion, a roll call vote was taken.

ROLL CALL: Voting Yea: Nash, Waltrip, Wilkerson, Hill and Denning
 Voting Nay: None

Municipal Order No. 2011 - 69 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2011 - 70

MUNICIPAL ORDER ACCEPTING DONATION FROM JOHN AND LINDA KELLY FAMILY CHARITABLE FOUNDATION TO EXPAND THE SCOPE OF SERVICE OF CAMP HAPPY DAYS

Summary of Municipal Order No. 2011 - 70 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 stated this was the fourth consecutive year to receive this donation, and he expressed appreciation to the Kelly family for their generosity. Mayor Denning also thanked the Kelly family for their continued support. With no additional discussion, a roll call vote was taken.

ROLL CALL: Voting Yea: Nash, Waltrip, Wilkerson, Hill and Denning

Voting Nay: None

Municipal Order No. 2011 - 70 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2011 - 71

MUNICIPAL ORDER AUTHORIZING THE CONTINUATION OF A CONTRACT WITH MOUNTJOY CHILTON MEDLEY, PLC TO PROVIDE EXTERNAL AUDIT SERVICES FOR AN ADDITIONAL YEAR

Summary of Municipal Order No. 2011 - 71 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 of Internal Auditor and Audit Committee which was established to, among other things, review and recommend approval of the external auditors. He reported that the Audit Committee recommended to extend the existing contract for another year with a rotation of the principal person assigned to the City's account. Mayor Denning asked for additional discussion, and with none, a roll call vote was taken.

ROLL CALL: Voting Yea: Nash, Waltrip, Wilkerson, Hill and Denning

Voting Nay: None

Municipal Order No. 2011 - 71 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2011 - 72

MUNICIPAL ORDER APPROVING A JOB DEVELOPMENT INCENTIVE FUND EMPLOYEE WITHHOLDINGS CREDIT AGREEMENT WITH COUNTRY OVEN BAKERY

Summary of Municipal Order No. 2011 - 72 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 remarked that it was important to note that this item and the following seven Municipal Orders No. 2011 - 73 through 2011 - 79 all dealt with the City providing an incentive to businesses as part of the Job Development Incentive Program (JDIP). He reported that these eight actions bring approximately 375 new jobs with a commitment by the City to give back one (1%) percent of the 1.85% Occupational License Fee collected over the next ten years. He reiterated that this commitment reaffirms the City's number one priority goal of job creation and economic development.

In response to questions from the Board, Chief Financial Officer Jeff Meisel confirmed that the State, through its Kentucky Business Investment (KBI) Program, also provided incentives to maximize with those offered by local communities. He explained that counties were designated as enhanced or non-enhanced based on certain economic conditions, with Bowling Green being located in a non-enhanced county which established the State's incentives for up to ten years and wage assessment incentives of up to four percent. Mr. Meisel also affirmed that if the City did not participate, the State might not participate in providing incentives to attract new or retain expanding businesses.

Comm. Wilkerson pointed out that these incentives were not related to any new economic development announcements, as most of these businesses' investments had already been made public over the last few months.

Comm. Nash inquired if the Board could consider each of the eight Municipal Orders all at once with one vote instead of individually. Since the City no longer had a consent agenda in place and based on the Kentucky Open Meetings law, City Attorney Gene Harmon opined that each Municipal Order would need to be considered separately. Once all discussion ended, a roll call vote was taken.

ROLL CALL: Voting Yea: Nash, Waltrip, Wilkerson, Hill and Denning
 Voting Nay: None

Municipal Order No. 2011 - 72 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2011 - 73

MUNICIPAL ORDER APPROVING A JOB DEVELOPMENT
INCENTIVE FUND EMPLOYEE WITHHOLDINGS CREDIT
AGREEMENT WITH TOPURA AMERICA FASTENER, INC.

Summary of Municipal Order No. 2011 - 73 was read by the Assistant City Manager/City Clerk. Motion was made by Wilkerson and seconded by Waltrip for consideration of said Municipal Order. This item was previously discussed in conjunction with Municipal Order No. 2011 - 72. Mayor Denning commented about the recent announcement and ribbon cutting held for this business expansion. With no additional discussion, a roll call vote was taken.

ROLL CALL: Voting Yea: Nash, Waltrip, Wilkerson, Hill and Denning
 Voting Nay: None

Municipal Order No. 2011 - 73 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2011 - 74

MUNICIPAL ORDER APPROVING A JOB DEVELOPMENT
INCENTIVE FUND EMPLOYEE WITHHOLDINGS CREDIT
AGREEMENT WITH NASCO

Summary of Municipal Order No. 2011 - 74 was read by the Assistant City Manager/City Clerk. Motion was made by Wilkerson and seconded by Nash for consideration of said Municipal Order. This item was previously discussed in conjunction with Municipal Order No. 2011 - 72. Mayor Denning asked for additional discussion, and with none, a roll call vote was taken.

ROLL CALL: Voting Yea: Nash, Waltrip, Wilkerson, Hill and Denning
 Voting Nay: None

Municipal Order No. 2011 - 74 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2011 - 75

MUNICIPAL ORDER APPROVING A JOB DEVELOPMENT
INCENTIVE FUND EMPLOYEE WITHHOLDINGS CREDIT
AGREEMENT WITH PURE POWER TECH

Summary of Municipal Order No. 2011 - 75 was read by the Assistant City Manager/City Clerk. Motion was made by Wilkerson and seconded by Hill for consideration of said Municipal Order. This item was previously discussed in conjunction with Municipal Order No. 2011 - 72. Mayor Denning asked for additional discussion, and with none, a roll call vote was taken.

ROLL CALL: Voting Yea: Nash, Waltrip, Wilkerson, Hill and Denning
 Voting Nay: None

Municipal Order No. 2011 - 75 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2011 - 76

**MUNICIPAL ORDER APPROVING A JOB DEVELOPMENT
INCENTIVE FUND EMPLOYEE WITHHOLDINGS CREDIT
AGREEMENT WITH MAGNA CAR TOP SYSTEMS, LLC**

Summary of Municipal Order No. 2011 - 76 was read by the Assistant City Manager/City Clerk. Motion was made by Wilkerson and seconded by Waltrip for consideration of said Municipal Order. This item was previously discussed in conjunction with Municipal Order No. 2011 - 72. Mayor Denning asked for additional discussion, and with none, a roll call vote was taken.

ROLL CALL: Voting Yea: Nash, Waltrip, Wilkerson, Hill and Denning
 Voting Nay: None

Municipal Order No. 2011 - 76 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2011 - 77

**MUNICIPAL ORDER APPROVING A JOB DEVELOPMENT
INCENTIVE FUND EMPLOYEE WITHHOLDINGS CREDIT
AGREEMENT WITH MEDINA BLANKING, INC.**

Summary of Municipal Order No. 2011 - 77 was read by the Assistant City Manager/City Clerk. Motion was made by Wilkerson and seconded by Nash for consideration of said Municipal Order. This item was previously discussed in conjunction with Municipal Order No. 2011 - 72. Mayor Denning asked for additional discussion, and with none, a roll call vote was taken.

ROLL CALL: Voting Yea: Nash, Waltrip, Wilkerson, Hill and Denning
 Voting Nay: None

Municipal Order No. 2011 - 77 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2011 - 78

**MUNICIPAL ORDER APPROVING A JOB DEVELOPMENT
INCENTIVE FUND EMPLOYEE WITHHOLDINGS CREDIT
AGREEMENT WITH BANDO USA, INC.**

Summary of Municipal Order No. 2011 - 78 was read by the Assistant City Manager/City Clerk. Motion was made by Wilkerson and seconded by Nash for consideration of said Municipal Order. This item was previously discussed in conjunction with Municipal Order No. 2011 - 72. Mayor Denning asked for additional discussion, and with none, a roll call vote was taken.

ROLL CALL: Voting Yea: Nash, Waltrip, Wilkerson, Hill and Denning
 Voting Nay: None
Municipal Order No. 2011 - 78 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2011 – 79

MUNICIPAL ORDER APPROVING A JOB DEVELOPMENT
INCENTIVE FUND EMPLOYEE WITHHOLDINGS CREDIT
AGREEMENT WITH AMERICAN HOWA KENTUCKY

Summary of Municipal Order No. 2011 - 79 was read by the Assistant City Manager/City Clerk. Motion was made by Wilkerson and seconded by Nash for consideration of said Municipal Order. This item was previously discussed in conjunction with Municipal Order No. 2011 – 72. Mayor Denning asked for additional discussion, and with none, a roll call vote was taken.

ROLL CALL: Voting Yea: Nash, Waltrip, Wilkerson, Hill and Denning
 Voting Nay: None
Municipal Order No. 2011 - 79 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2011 – 80

MUNICIPAL ORDER AUTHORIZING THE MAYOR TO EXECUTE
A MEMORANDUM OF AGREEMENT WITH THE KENTUCKY
DIVISION OF WASTE MANAGEMENT RELATED TO THE
BUTLER COUNTY LANDFILL IMPROVEMENTS

Summary of Municipal Order No. 2011 - 80 was read by the Assistant City Manager/City Clerk. Motion was made by Wilkerson and seconded by Waltrip for consideration of said Municipal Order. DeFebbo indicated that although this landfill had been closed for several years, the City's maintenance responsibility continued indefinitely. He explained there were problems diagnosed awhile back which were previously discussed during past work sessions regarding a viable solution to manage the leachate at this landfill. He noted that two potential options have been presented and include either constructing a small force main to connect to the Morgantown sewer collection system, or reusing the collected leachate as irrigation for the landfill cap. Mr. DeFebbo recommended approval of this agreement to provide funding for design services and to determine a final project.

Comm. Wilkerson expressed his appreciation for the work done on this issue and in particular to Environmental Coordinator Matt Powell for his efforts to get the State to work with the City to find a solution. He inquired if additional money would be made available for the final project construction. Mr. Powell explained the available funding source through Kentucky PRIDE and that only a limited amount of funds were made available each year through an application process. However, he remarked that if the City could get this project designed and ready to go, it might be possible to receive funding in an upcoming year. Following the discussion, a roll call vote was taken.

ROLL CALL: Voting Yea: Nash, Waltrip, Wilkerson, Hill and Denning
 Voting Nay: None
Municipal Order No. 2011 - 80 was approved by unanimous vote.

ORDINANCE NO. BG2011 - 18
(First Reading)
ORDINANCE AMENDING CODE OF ORDINANCES

ORDINANCE AMENDING CHAPTER 2 (ADMINISTRATION) OF
THE CITY OF BOWLING GREEN CODE OF ORDINANCES TO
REVISE THE MEMBERSHIP OF THE GREENWAYS COMMISSION
OF BOWLING GREEN AND WARREN COUNTY AND TO MAKE
OTHER ADMINISTRATIVE AMENDMENTS

Title and summary of Ordinance No. BG2011 - 18 was read by the Assistant City Manager/City Clerk. Motion was made by Wilkerson and seconded by Waltrip for first reading of said Ordinance. City Attorney Gene Harmon reviewed the proposed changes to the membership on the Greenways Commission based on previous direction from the Board of Commissioners regarding the removal of City elected officials from various City boards and commissions. He also noted that the other revision was a housekeeping item related to the types of issues to be brought before the Administrative Appeals Board.

Comm. Nash reported that he had received several calls from members of the Greenways Commission requesting that the City hold over its consideration of this item. He proceeded to explain that the Greenways members felt they did not have any input into the proposed membership change and would like the opportunity to discuss it as an entity. He inquired if anyone opposed tabling the ordinance to allow more time for the Greenways Commission to consider the proposal.

As sponsor of the ordinance, Mayor Denning stated he had no problem with tabling the item as proposed by Comm. Nash. He reiterated that he brought the issue forward initially in January about taking steps to remove elected officials from being on various boards.

Motion was made by Nash, seconded by Waltrip, to table Ordinance No. BG2011 - 18. Mr. Harmon requested clarification regarding whether it was Comm. Nash's intent to table the item indefinitely or until a specified date. Comm. Nash amended his motion to provide that the ordinance be brought back for consideration after two Board of Commissioners meetings from this meeting, which would be on or after June 7th. Since he initially seconded the motion, Comm. Waltrip concurred with the suggested timeframe. With no additional discussion, a roll call vote was taken to table the ordinance.

ROLL CALL: Voting Yea: Nash, Waltrip, Wilkerson, Hill and Denning
 Voting Nay: None

Motion to table first reading of Ordinance No. BG2011 - 18 for at least the next two meetings of the Board of Commissioners was approved by unanimous vote.

ORDINANCE NO. BG2011 - 19
(First Reading)
ORDINANCE REZONING REAL ESTATE

ORDINANCE REZONING A TRACT OF LAND CONTAINING
11.25 ACRES FROM HB (HIGHWAY BUSINESS) AND RE
(RESIDENTIAL ESTATE) TO RM-3 (MULTI-FAMILY

RESIDENTIAL) LOCATED AT 291 OLD SCOTTSVILLE ROAD,
PRESENTLY OWNED BY RM3 PROPERTIES, LLC

Title and summary of Ordinance No. BG2011 - 19 was read by the Assistant City Manager/City Clerk. Motion was made by Wilkerson and seconded by Waltrip for first reading of said Ordinance. Mayor Denning asked if anyone in attendance at the meeting was opposed to the ordinance. No one at that time came forward or acknowledged any opposition. Mayor Denning specified that the Board of Commissioners had read all of the City-County Planning Commission's records from the public hearing held on March 17th. He asked the City Attorney to review the role of the Board of Commissioners at this point in the process.

City Attorney Gene Harmon stated that the Planning Commission approved the recommendation for rezoning by unanimous vote. He explained that if the Board of Commissioners disagrees with the Planning Commission's findings, it could not simply vote no, but would have to come up with its own reasons for non-compliance with the Comprehensive Plan. Mr. Harmon further outlined the options by which the Board could determine its own independent findings of fact, including holding another hearing.

Attorney David Broderick, representing the zoning applicant, identified that the proposed development would only have access off of Cumberland Trace and would be completed in conjunction with the State's road widening project. He explained that the front three lots would be part of a commercial development and the back lots, as part of this rezoning, would be for a more upscale multi-family residential development. Mr. Broderick also outlined the binding elements associated with the rezoning, and he indicated that the development was anticipated to substantially increase the property tax base.

In response to a question from Mayor Denning about the price range for the apartments, Developer Christian Volkert stated that apartments would rent for around \$500 to \$700 per month for 1, 2 and 3 bedrooms, with an ample amount of square footage. Mr. Broderick also provided that the entire structure would have a brick, stone, masonry or drivet material exterior on all sides. He reiterated that this development was proposed to be in a growth area with a need for this type of accommodations.

Comm. Hill commented that several, if not all, of the Board members had taken the time to drive by the sight and look at this property.

In an effort to obtain clarification regarding the reason for only seven members being present at the public hearing, Comm. Nash asked City-County Planning Commission Director Steve Hunter to explain why five Planning Commission members were absent when this rezoning was discussed. He indicated that he had long heard that members who opposed an item may not show up so they did not have to cast a vote on the record. Mr. Hunter identified that he was aware of reasons for two of the absences, but did not have information regarding the others. He also specified that members confirmed their attendance to make sure a majority would be available to hold the meeting. However, Mr. Hunter was not aware of any documentation that detailed each reason for an absence.

Planning Commission Engineer Mac Yowell responded to questions from Comm. Wilkerson about the Cumberland Trace road project, which utility relocation was underway with construction in full swing anticipated by June for a 12-month completion timeframe. As a former State engineer,

Comm. Wilkerson requested Mr. Yowell's professional opinion regarding whether the road project would solve the traffic problems in the area of Scottsville Road. Mr. Yowell surmised that along with the completion of the Natcher Parkway extension, the two projects would combine to alleviate some of the traffic concerns. He also responded that the relocation of Cumberland Trace, between Americas Best Value Inn and Best Western hotels, to connect up with Cherry Drive was not currently listed as a State road project, but was identified as a future connection. Once all discussion ended, a roll call vote was taken.

ROLL CALL: Voting Yea: Nash, Waltrip, Wilkerson, Hill and Denning
 Voting Nay: None

First reading of Ordinance No. BG2011 - 19 was approved by unanimous vote.

CLOSED SESSION

Following a brief recess to clear the Commission Chamber, the Board of Commissioners met at approximately 8:10 p.m. in closed session pursuant to KRS 61.810 (1) (c) and (f) as previously approved. Mr. DeFebbo confirmed that action by the Board was anticipated to follow the discussion.

RECONVENE IN OPEN SESSION

Once all discussion concluded in closed session, the Board of Commissioners reconvened in open session at approximately 9:00 p.m. to consider action. Motion was made by Nash and seconded by Wilkerson to add Municipal Order No. 2011 - 81 to the agenda for consideration. With no discussion, a roll call vote was taken.

ROLL CALL: Voting Yea: Nash, Waltrip, Wilkerson, Hill and Denning
 Voting Nay: None

Motion to add Municipal Order No. 2011 - 81 to the agenda was approved by unanimous vote.

MUNICIPAL ORDER NO. 2011 - 81

MUNICIPAL ORDER APPROVING THE VOLUNTARY TRANSFER OF JEFFREY G. WHITTINGHILL FROM THE POSITION OF PARKS FACILITY MAINTAINER SR. TO THE POSITION OF CUSTODIAN IN THE PARKS AND RECREATION DEPARTMENT

Summary of Municipal Order No. 2011 - 81 was read by the Assistant City Manager/City Clerk. Motion was made by Nash and seconded by Wilkerson for consideration of said Municipal Order. Mayor Denning asked for additional discussion, and with none, a roll call vote was taken.

ROLL CALL: Voting Yea: Nash, Waltrip, Wilkerson, Hill and Denning
 Voting Nay: None

Municipal Order No. 2011 - 81 was approved by unanimous vote.

ADJOURNMENT

There being no further business to come before the Board of Commissioners, at approximately 9:05 p.m., Mayor Denning declared this meeting adjourned.

WORK SESSION

Prior to the regular meeting and with no action taken, the Board of Commissioners convened at 4:00 p.m. in the Commission Chamber of City Hall for a regular work session to discuss the following subjects: 1) recently adopted Kentucky legislation (HB 333 from the 2011 General Assembly) regarding the sale of fireworks and whether a local ordinance should be enacted to regulate the sale or use within the City; and 2) whether to continue crossing guard services provided by the Police Department. There was a consensus expressed by the Board of Commissioners to consider a joint local ordinance that would regulate the sale and use of fireworks in the City and Warren County and to request the City Attorney to initiate discussions with the County Attorney and prepare a draft ordinance. There was also a consensus of the Board of Commissioners to continue the Crossing Guard program for another year and to immediately begin discussions with the school systems about transitioning the program over to a voluntary school program with established budgetary funding provided by the City to support the schools in that effort.

ADOPTED: _____

APPROVED: _____
Mayor, Chairman of Board of Commissioners

ATTEST: _____
City Clerk

Minutes prepared by Assistant City Manager/City Clerk Katie Schaller