

**MINUTES of REGULAR MEETING  
of the BOARD of COMMISSIONERS  
of the CITY of BOWLING GREEN, KENTUCKY  
held MAY 6, 2008**

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 7:20 p.m. (late start due to continued work session discussion) on May 6, 2008. Mayor Elaine N. Walker called the meeting to order. An invocation was given by Commissioner Bruce Wilkerson, 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 Brian K. Strow, Commissioner Bruce Wilkerson, Commissioner Joe W. Denning and Mayor Elaine N. Walker. Absent: none. There was a full quorum of the Board of Commissioners.

**AWARDS & RECOGNITIONS**

Mayor Walker recognized Coach Ken McDonald and Coach Mary Taylor Cowles along with members of each of the Western Kentucky University Men's and Women's basketball teams. She presented them with a proclamation honoring the WKU Hilltoppers and Lady Toppers for their successful season.

Mayor Walker congratulated Joan Kowen, a crossing guard at St. Joseph and Dishman-McGinnis Elementary Schools for the past 35 years, who was named a Jefferson Award winner on April 17, 2008.

**CITY MANAGER**

City Manager Kevin D. DeFebbo welcomed Police Officer David Moore who was in attendance to provide increased security during the meeting.

**APPROVAL OF MINUTES**

Minutes of Regular Meeting April 15, 2008 and Special Meeting April 29, 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: Nash, Strow, Wilkerson, Denning and Walker  
                          Voting Nay: None

Motion to approve the minutes of the regular meeting of April 15, 2008 and special meeting April 29, 2008 was approved by unanimous vote.

**PUBLIC COMMENTS**

Warren Bratcher of 209 Riverwood Avenue, Cliff Johnson of 206 Riverwood Avenue and Michael Jackson of 203 Riverwood Avenue all expressed concern with traffic issues and pedestrian safety along their street. They requested additional stop signs, speed bumps and/or "children at play"

signs to slow or reduce traffic flow along Riverwood. Mr. Bratcher thanked several people for looking into their concerns and assisting with solutions.

Bonnie McDonald of 1231 Kenton Street #2, representing Kentuckians for the Commonwealth, requested that the Board of Commissioners consider implementing the Uniform Residential Landlord and Tenant Act (URLTA). She commented about her experience with fair housing accommodations and participation with the Kaleidoscope Youth in Arts "Voices for Justice" event held in March 2008 which raised awareness of fair housing.

### CONSENT AGENDA

Mayor Walker requested if there were any items to be removed from the Consent Agenda prior to its consideration. Comm. Wilkerson requested that Municipal Order No. 2008 - 101 be removed. Mayor Walker noted that the item would be considered at the end of the regular agenda. Assistant City Manager/City Clerk Katie Schaller read the summary of the following item which remained on the Consent Agenda:

#### MUNICIPAL ORDER NO. 2008 - 102

MUNICIPAL ORDER APPROVING AND AUTHORIZING OUT-OF-TOWN TRAVEL EXPENSES FOR MAYOR ELAINE N. WALKER FOR ATTENDING THE NATIONAL LEAGUE OF CITIES 2008 CONGRESSIONAL CITY CONFERENCE IN WASHINGTON, D.C.

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

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

Voting Nay: None

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

### REGULAR AGENDA

#### ORDINANCE NO. BG2008 - 20

(Second Reading)

#### ORDINANCE CONFIRMING SALE AND AWARDED NATURAL GAS FRANCHISE

ORDINANCE CONFIRMING THE SALE AND AWARDED A NON-EXCLUSIVE NATURAL GAS FRANCHISE TO ATMOS ENERGY CORPORATION FOR A TERM OF TEN (10) YEARS FOR THE CONSTRUCTION, OPERATION AND MAINTENANCE OF A NATURAL GAS DISTRIBUTION SYSTEM ALONG AND UNDER PUBLIC RIGHT-OF-WAY WITHIN THE CITY OF BOWLING GREEN, KENTUCKY, IN RETURN FOR WHICH THE FRANCHISEE SHALL PAY TO THE CITY AN ANNUAL SUM EQUAL TO ONE PERCENT (1%) OF THE GROSS REVENUES DERIVED FROM THE FRANCHISE AWARDED HEREIN

Title and summary of Ordinance No. BG2008 - 20 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: Nash, Strow, Wilkerson, Denning and Walker  
                          Voting Nay: None

Ordinance No. BG2008 - 20 was adopted by unanimous vote.

MUNICIPAL ORDER NO. 2008 - 103

MUNICIPAL ORDER APPROVING A CONTRACT WITH  
COMMUNITY ACTION OF SOUTHERN KENTUCKY, INC. FOR  
TRANSPORTATION SERVICES FOR FISCAL YEAR 2009

Summary of Municipal Order No. 2008 - 103 was read by the Assistant City Manager/City Clerk. Motion was made by Wilkerson and seconded by Denning for consideration of said Municipal Order. DeFebbo recommended the continuation of the contract for transportation services. Mayor Walker asked for additional discussion, and with none, a roll call vote was taken.

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

Municipal Order No. 2008 - 103 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2008 - 104

MUNICIPAL ORDER APPROVING THE PROMOTION OF  
MITCHELL WAYNE DAVENPORT TO THE POSITION OF PARKS  
FACILITIES MAINTAINER, SENIOR IN THE PARKS AND  
RECREATION DEPARTMENT, CEMETERY DIVISION

Summary of Municipal Order No. 2008 - 104 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 that the vacant position was a result of a recent retirement and reorganization of the division. Parks and Recreation Director Ernie Gouvas recommended the promotion. Mayor Walker asked for additional discussion, and with none, a roll call vote was taken.

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

Municipal Order No. 2008 - 104 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2008 - 105

MUNICIPAL ORDER AUTHORIZING AND ACCEPTING BID  
#2008-50 FOR A HOUSING MARKET ANALYSIS FROM REAL  
ESTATE RESEARCH CONSULTANTS, INC. OF ORLANDO,  
FLORIDA IN THE AMOUNT OF \$26,220

Summary of Municipal Order No. 2008 - 105 was read by the Assistant City Manager/City Clerk. Motion was made by Wilkerson and seconded by Walker for consideration of said Municipal Order. DeFebbo reviewed the need for a study as part of the Community Development Block Grant

(CDBG) 5 Year Plan. He clarified the bid award included reimbursement of travel expenses. Mayor Walker asked for additional discussion, and with none, a roll call vote was taken.

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

Municipal Order No. 2008 - 105 was approved by unanimous vote.

**MUNICIPAL ORDER NO. 2008 – 106**

**MUNICIPAL ORDER AUTHORIZING AND ACCEPTING BID #2008-52 FOR FISCAL YEAR 2008 SIDEWALK CONSTRUCTION PHASE 2 FROM SOUTHERN KENTUCKY CONTRACTORS, INC. OF BOWLING GREEN, KENTUCKY IN THE AMOUNT OF \$408,382.08**

Summary of Municipal Order No. 2008 - 106 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 recommended the bid award and reiterated that a goal of the City was to make the community more walk-able. Referring back to the public comments at the beginning of the meeting, Comm. Strow pointed out that Riverwood Avenue was included on the Sidewalk Plan to receive a new sidewalk as the project progresses into the future. Mayor Walker asked for additional discussion, and with none, a roll call vote was taken.

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

Municipal Order No. 2008 - 106 was approved by unanimous vote.

**MUNICIPAL ORDER NO. 2008 – 107**

**MUNICIPAL ORDER AUTHORIZING AND ACCEPTING BID #2008-47 FOR BROADWAY CURVE REALIGNMENT FROM CHARLES DEWEESE CONSTRUCTION, INC. OF FRANKLIN, KENTUCKY IN THE AMOUNT OF \$435,685**

Summary of Municipal Order No. 2008 - 107 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 recommended the bid award. He noted that there was still one property which had not been purchased yet, but that he would like to proceed with the project as soon as possible. Mayor Walker asked for additional discussion, and with none, a roll call vote was taken.

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

Municipal Order No. 2008 - 107 was approved by unanimous vote.

**MUNICIPAL ORDER NO. 2008 – 108**

**MUNICIPAL ORDER AUTHORIZING AND ACCEPTING BID #2007-75 FOR LOST RIVER WETLAND CONSTRUCTION FROM S & R EXCAVATION OF BOWLING GREEN, KENTUCKY AND**

STRAEFFER PUMP & SUPPLY, INC. OF EVANSVILLE, INDIANA  
IN THE TOTAL AMOUNT OF \$304,936

Summary of Municipal Order No. 2008 - 108 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 project for a specialized wetland using runoff from Nashville Road. Comm. Wilkerson confirmed that this project would assist the City in meeting requirements under NPDES Phase II. Public Works Director Emmett Wood responded to a question about not recommending the lowest bidder for part "B". Mayor Walker asked for additional discussion, and with none, a roll call vote was taken.

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

Municipal Order No. 2008 - 108 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2008 - 109

MUNICIPAL ORDER AUTHORIZING CHANGE ORDER TO THE  
CONTRACT WITH S & R EXCAVATION OF BOWLING GREEN,  
KENTUCKY FOR FIELDS DRIVE EXTENSION PROJECT IN THE  
AMOUNT OF \$30,600

Summary of Municipal Order No. 2008 - 109 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 project and unexpected site conditions. Public Works Director Emmett Wood outlined the different change orders to date, two of which related to the installation and replacement of waterlines. In response to a question regarding recourse against the engineering firm, Mr. Wood indicated that he was researching the matter before taking any action. Mayor Walker asked for additional discussion, and with none, a roll call vote was taken.

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

Municipal Order No. 2008 - 109 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2008 - 110

MUNICIPAL ORDER APPROVING A KENTUCKY  
INFRASTRUCTURE AUTHORITY FEDERALLY ASSISTED  
WASTEWATER REVOLVING LOAN FUND AGREEMENT IN THE  
AMOUNT OF \$43,307,280

Summary of Municipal Order No. 2008 - 110 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 explained that the City was acting as a conduit for the loan to provide funds for the Wastewater Treatment Plant Project which was the full responsibility of BGMU. Mayor Walker asked for additional discussion, and with none, a roll call vote was taken.

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

Municipal Order No. 2008 - 110 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2008 - 111

MUNICIPAL ORDER AUTHORIZING THE MAYOR TO EXECUTE  
A LEASE AGREEMENT WITH SH & FH PROPERTIES, LLC FOR  
PROPERTY LOCATED AT 328 EAST 10<sup>TH</sup> AVENUE

Summary of Municipal Order No. 2008 - 111 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 recommended renewal of the Lease Agreement for space used by the City Attorney's offices until such time as those offices could be moved to City Hall as part of a future expansion. City Attorney Gene Harmon pointed out that the monthly lease rate remained the same. Mayor Walker asked for additional discussion, and with none, a roll call vote was taken.

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

Municipal Order No. 2008 - 111 was approved by unanimous vote.

ORDINANCE NO. BG2008 - 21

(First Reading)

ORDINANCE AUTHORIZING THE ISSUANCE OF INDUSTRIAL BUILDING REVENUE  
BONDS

AN ORDINANCE AUTHORIZING THE ISSUANCE OF \$3,000,000 INDUSTRIAL BUILDING REVENUE BONDS, SERIES 2008 (HOSPICE OF SOUTHERN KENTUCKY, INC. PROJECT) OF THE CITY OF BOWLING GREEN, KENTUCKY; THE PROCEEDS OF WHICH SHALL BE LOANED TO HOSPICE OF SOUTHERN KENTUCKY, INC. TO FINANCE THE ACQUISITION, CONSTRUCTION, REHABILITATION, INSTALLATION AND EQUIPPING OF AN INDUSTRIAL BUILDING TO BE LOCATED WITHIN THE CITY OF BOWLING GREEN, KENTUCKY FOR USE BY HOSPICE OF SOUTHERN KENTUCKY, INC. IN THE PROVISION OF HEALTH CARE AND RELATED SERVICES; PROVIDING FOR THE PLEDGE OF REVENUES FOR THE PAYMENT OF SUCH BONDS; AUTHORIZING A LOAN AGREEMENT APPROPRIATE FOR THE PROTECTION AND DISPOSITION OF SUCH REVENUES AND TO FURTHER SECURE SUCH BONDS; AUTHORIZING A BOND PURCHASE AGREEMENT, TAX REGULATORY AGREEMENT, MORTGAGE AND ASSIGNMENTS; AND AUTHORIZING OTHER ACTIONS IN CONNECTION WITH THE ISSUANCE OF SUCH BONDS

Title and summary of Ordinance No. BG2008 - 21 was read by the Assistant City Manager/City Clerk. Motion was made by Wilkerson and seconded by Nash for first reading of said Ordinance. DeFebbo stated that the bond issue did not have any affect on the City's full faith and credit. City Attorney Gene Harmon announced that a Public Hearing regarding the issuance of the

bonds would be held at 3:45 p.m. on May 20, 2008 prior to the second reading of the ordinance. Mayor Walker asked for additional discussion, and with none, a roll call vote was taken.

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

First reading of Ordinance No. BG2008 - 21 was approved by unanimous vote.

**MUNICIPAL ORDER NO. 2008 - 112**

**MUNICIPAL ORDER APPROVING FREQUENCY  
RECONFIGURATION AGREEMENT WITH NEXTEL WEST  
CORPORATION RELATED TO THE REBANDING OF THE CITY  
OF BOWLING GREEN'S 800MHZ SYSTEM FREQUENCIES**

Summary of Municipal Order No. 2008 - 112 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 approval of both this item and the next regarding the reconfiguration of the communications system. Mayor Walker asked for additional discussion, and with none, a roll call vote was taken.

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

Municipal Order No. 2008 - 112 was approved by unanimous vote.

**MUNICIPAL ORDER NO. 2008 - 113**

**MUNICIPAL ORDER APPROVING RECONFIGURATION  
IMPLEMENTATION PHASE AGREEMENT WITH MOTOROLA,  
INC. RELATED TO THE REBANDING OF THE CITY OF  
BOWLING GREEN'S 800MHZ SYSTEM FREQUENCIES**

Summary of Municipal Order No. 2008 - 113 was read by the Assistant City Manager/City Clerk. Motion was made by Wilkerson and seconded by Denning for consideration of said Municipal Order. Mayor Walker asked for additional discussion, and with none, a roll call vote was taken.

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

Municipal Order No. 2008 - 113 was approved by unanimous vote.

**MUNICIPAL ORDER NO. 2008 - 114**

**MUNICIPAL ORDER AUTHORIZING THE SUBMISSION OF  
APPLICATION FOR ENTITLEMENT MONEY IN THE AMOUNT  
OF \$111,240 BY THE BOWLING GREEN-WARREN COUNTY  
REGIONAL AIRPORT TO THE FEDERAL AVIATION  
ADMINISTRATION RELATED TO THE PURCHASE OF AN  
AIRPORT RESCUE AND FIREFIGHTING VEHICLE**

Summary of Municipal Order No. 2008 - 114 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 ability to get new specialized equipment for the Airport and the use of Fire Improvement Fund monies to provide the City's match requirement. Mayor Walker asked for additional discussion, and with none, a roll call vote was taken.

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

Municipal Order No. 2008 - 114 was approved by unanimous vote.

**ORDINANCE NO. BG2008 - 22**

**(First Reading)**

**ORDINANCE ANNEXING PROPERTY BY CONSENT**

**ORDINANCE ANNEXING 0.918 +/- ACRE OF PROPERTY  
LOCATED AT 860 GLASGOW ROAD, WITH PROPERTY  
PRESENTLY OWNED BY WILLIAM O. AND GENEVA PENICK,  
AND SAID TERRITORY BEING CONTIGUOUS TO EXISTING  
CITY LIMITS**

Title and summary of Ordinance No. BG2008 - 22 was read by the Assistant City Manager/City Clerk. Motion was made by Wilkerson and seconded by Denning for first reading of said Ordinance. DeFebbo indicated that the annexation was related to the Kentucky Transpark (ITA) development. Mayor Walker asked for additional discussion, and with none, a roll call vote was taken.

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

First reading of Ordinance No. BG2008 - 22 was approved by unanimous vote.

**ORDINANCE NO. BG2008 - 23**

**(First Reading)**

**ORDINANCE DECLARING CITY'S INTENT TO ANNEX PROPERTY**

**ORDINANCE DECLARING THE DESIRABILITY AND CITY'S  
INTENTION TO ANNEX UNINCORPORATED TERRITORY  
CONTAINING APPROXIMATELY 15.44 ACRES IN THE  
WHITESBORO SUBDIVISION IN THE VICINITY OF CAVE MILL  
ROAD AND SMALLHOUSE ROAD, WITH ALL SUCH TERRITORY  
BEING CONTIGUOUS TO EXISTING CITY LIMITS**

Title and summary of Ordinance No. BG2008 - 23 was read by the Assistant City Manager/City Clerk. Motion was made by Wilkerson and seconded by Nash for first reading of said Ordinance. DeFebbo reviewed the proposed annexation. Mayor Walker asked for additional discussion, and with none, a roll call vote was taken.

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

First reading of Ordinance No. BG2008 - 23 was approved by unanimous vote.



MUNICIPAL ORDER NO. 2008 - 115

MUNICIPAL ORDER ACCEPTING DONATION OF LOT 39 OF CREEKWOOD VILLAGE SUBDIVISION FOR GREENWAY PURPOSES AND AUTHORIZING EXECUTION OF DEED OF CONVEYANCE

Summary of Municipal Order No. 2008 - 115 was read by the Assistant City Manager/City Clerk. Motion was made by Strow and seconded by Nash for consideration of said Municipal Order. DeFebbo recommended acceptance of the lot. Mayor Walker asked for additional discussion, and with none, a roll call vote was taken.

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

Municipal Order No. 2008 - 115 was approved by unanimous vote.

ORDINANCE NO. BG2008 - 24

(First Reading)

ORDINANCE CLOSING A PUBLIC RIGHT-OF-WAY

ORDINANCE APPROVING THE CLOSING OF OLD 14<sup>TH</sup> AVENUE TO INCLUDE A PORTION OF CENTER STREET AND A PORTION OF AN UNNAMED ALLEY

Title and summary of Ordinance No. BG2008 - 24 was read by the Assistant City Manager/City Clerk. Motion was made by Denning and seconded by Wilkerson for first reading of said Ordinance. DeFebbo indicated that this closing was a result of the realignment of 14<sup>th</sup> Avenue. City Attorney Gene Harmon noted that the abandoned right-of-way reverted to the surrounding property owner which was Western Kentucky University. Mayor Walker asked for additional discussion, and with none, a roll call vote was taken.

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

First reading of Ordinance No. BG2008 - 24 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2008 - 116

MUNICIPAL ORDER APPROVING THE YEAR 5 ANNUAL ACTION PLAN OF THE CONSOLIDATED PLAN FOR COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) ENTITLEMENT FUNDING AND AUTHORIZING ITS SUBMISSION TO THE U. S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Summary of Municipal Order No. 2008 - 116 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 outlined the projects and programs to be funded and recommended the approval of

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

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

Municipal Order No. 2008 - 116 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2008 - 101

MUNICIPAL ORDER APPROVING THE APPOINTMENT OF  
RAYNA FALLS TO THE HUMAN RIGHTS COMMISSION

Summary of Municipal Order No. 2008 - 101 was read by the Assistant City Manager/City Clerk. Motion was made by Walker and seconded by Wilkerson for consideration of said Municipal Order. Comm. Wilkerson stated he seconded the motion for the purpose of discussion. He indicated that his comments were not about the individual, but rather, board appointments in general. Comm. Wilkerson inquired about the ability to find an individual who lives within the City limits to fill the open position. He also noted that although the Human Rights Commission membership did not require residency, he noticed that it did require some specified representation from the community (Section 2-17.03 of the Code of Ordinances, Chapter 2). Wilkerson made a motion, seconded by Denning, to table Municipal Order No. 2008 - 101 to allow more time to look into the matter. A roll call vote was taken.

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

Motion to table Municipal Order No. 2008 - 101 was approved by majority vote.

ADD ITEM TO AGENDA

Motion was made by Nash and seconded by Wilkerson to add Municipal Order No. 2008 - 117 to the agenda for consideration. With no discussion, a roll call vote was taken.

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

Motion to add Municipal Order No. 2008 - 117 to the agenda was approved by unanimous vote.

MUNICIPAL ORDER NO. 2008 - 117

MUNICIPAL ORDER ACCEPTING PROPOSAL RELATED TO  
STANDARD OIL STATION LOCATED AT 638 COLLEGE STREET  
AND AUTHORIZING THE APPROPRIATE CITY OFFICIALS TO  
NEGOTIATE THE TERMS OF AN AGREEMENT

Summary of Municipal Order No. 2008 - 117 was read by the Assistant City Manager/City Clerk. Motion was made by Nash and seconded by Wilkerson for consideration of said Municipal Order. Comm. Nash explained that based on the discussion held at the work session, he recommended the approval of a proposal submitted by Norm Johnson and Brian Lowder (also referred to as PYDR's proposal) in order to move the process forward to deal with the dilapidated building

before the opening of Circus Square Park. He stated that he was pleased to hear Mr. Johnson say earlier that he was willing to talk with the other entities interested in working on the building.

Comm. Strow indicated that he would like to see further exploration with regard to moving the structure to the Corvette Museum. He stated that he did not think the building should remain on the site and that the space could be used for increased parking. However, as an alternative, he agreed that PYDR had the best proposal of the two submitted.

Mayor Walker clarified that the second proposal received was from Allied Energy, a publicly traded corporation, who offered to contribute a total of \$50,000 for the restoration. She expressed concern with PYDR's proposal to have a 39-year lease or to purchase the property since it was part of the public park. City Attorney Gene Harmon agreed that the City needed to further negotiate those terms before entering into a final agreement.

Comm. Denning declared he was in support of knocking the building down. However, since he did not think that would happen, he stated he would go with the majority.

Once all discussion ended, roll call vote was taken.

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

Municipal Order No. 2008 - 117 was approved by unanimous vote.

#### ADJOURNMENT

There being no further business to come before the Board of Commissioners, at approximately 8:25 p.m., Mayor Walker 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) the recommendation of Downtown Redevelopment Authority (DRA) regarding two proposals submitted for the rehabilitation of the Standard Oil building in Circus Square Park; and 2) the status of the Tax Increment Financing (TIF) District and downtown redevelopment proposal, including the issuance of General Obligation bonds and amendments to various agreements.

ADOPTED: \_\_\_\_\_

APPROVED: \_\_\_\_\_  
Mayor, Chairman of Board of Commissioners

ATTEST: \_\_\_\_\_  
City Clerk