

**MINUTES of REGULAR MEETING  
of the BOARD of COMMISSIONERS  
of the CITY of BOWLING GREEN, KENTUCKY  
held JULY 15, 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 7:00 p.m. on July 15, 2008. Mayor Elaine N. Walker called the meeting to order. An invocation was given by Commissioner Brian K. Strow, 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 Joe W. Denning, Commissioner Brian "Slim" Nash, Commissioner Brian K. Strow, Commissioner Bruce Wilkerson and Mayor Elaine N. Walker. Absent: none. There was a full quorum of the Board of Commissioners.

**AWARDS & RECOGNITIONS**

Mayor Walker announced that Mike Keen was just named the new Postmaster for Bowling Green. She also reported that DESA announced earlier in the day that it plans to expand its local facility adding several new jobs.

**CITY MANAGER**

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 pieces of property to be acquired for public use, discussion of proposed and pending litigation on behalf of the City, and for discussion between the City and a representative of business entities and discussions concerning specific proposals, if open discussions would jeopardize the siting, retention, expansion or upgrading of the businesses. Motion was made by Wilkerson and seconded by Strow to convene in closed session following the regular meeting pursuant to KRS 61.810 (b), (c) and (g). Walker called for roll call vote.

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

Motion to convene in closed session pursuant to KRS 61.810 (b), (c) and (g) was approved by unanimous vote.

**APPROVAL OF MINUTES**

Minutes of Special Meeting June 26, 2008 and Regular Meeting July 1, 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 Denning to approve said minutes as written. Mayor Walker asked for discussion, and with none, a roll call vote was taken.

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

Motion to approve the minutes of the special meeting of June 26, 2008 and regular meeting of July 1, 2008 was approved by unanimous vote.

PUBLIC COMMENTS

Henry Thompson of 1213 Shawnee Way thanked the Public Works staff for paving Riverview Drive since he travels it frequently. Mr. Thompson also requested that the Board revisit the temporary street closing of Shawnee Way and Navajo Drive since the Fields Drive extension was complete. He would like the City to consider reopening Navajo Drive. Mr. DeFebbo stated that the City would bring this issue forward for discussion at a future work session. Public Works Director Emmett Wood suggested waiting a couple of month to allow traffic patterns to develop.

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 - 179

MUNICIPAL ORDER AUTHORIZING THE ACCEPTANCE OF A GRANT FROM THE KENTUCKY URBAN AND COMMUNITY FORESTRY GRANT PROGRAM IN THE AMOUNT OF \$5,000

MUNICIPAL ORDER NO. 2008 - 180

MUNICIPAL ORDER APPROVING AND AUTHORIZING OUT-OF-TOWN TRAVEL EXPENSES FOR MAYOR ELAINE N. WALKER TO ATTEND THE 76<sup>TH</sup> ANNUAL CONFERENCE OF MAYORS IN MIAMI, FLORIDA

MUNICIPAL ORDER NO. 2008 - 181

MUNICIPAL ORDER APPROVING THE APPOINTMENT OF DALE EICHELBERGER TO THE CITY OF BOWLING GREEN CODE ENFORCEMENT BOARD

MUNICIPAL ORDER NO. 2008 - 182

MUNICIPAL ORDER APPROVING THE APPOINTMENTS OF CHUCK COATES AND PATSY SLOAN TO SERVE ON THE WARREN COUNTY DOWNTOWN ECONOMIC DEVELOPMENT AUTHORITY, INCORPORATED

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: Denning, Nash, Strow, Wilkerson and Walker  
Voting Nay: None  
Motion to accept the Consent Agenda as presented was approved by unanimous vote.

REGULAR AGENDA

ORDINANCE NO. BG2008 - 38  
(Second Reading)

ORDINANCE AMENDING CODE OF ORDINANCES

ORDINANCE AMENDING CHAPTER 2 (ADMINISTRATION) OF  
THE CITY OF BOWLING GREEN CODE OF ORDINANCES TO  
MAKE CHANGES TO THE COMPOSITION OF THE GREENWAYS  
COMMISSION OF BOWLING GREEN AND WARREN COUNTY

Title and summary of Ordinance No. BG2008 - 38 was read by the Assistant City Manager/City Clerk. Motion was made by Denning and seconded by Wilkerson for second reading of said Ordinance. Mayor Walker asked for discussion, and with none, a roll call vote was taken.

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

Ordinance No. BG2008 - 38 was adopted by unanimous vote.

MUNICIPAL ORDER NO. 2008 - 183

MUNICIPAL ORDER AUTHORIZING MAINTENANCE SERVICES  
FOR RADIO AND COMMUNICATION EQUIPMENT WITH  
MOTOROLA, INC. IN AN AMOUNT NOT TO EXCEED \$35,833.92  
FOR FISCAL YEAR 2009

Summary of Municipal Order No. 2008 - 183 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 the annual maintenance agreement at a 2.9% increase over the previous year. He mentioned that due to the national movement to digital communications, the City would need to look at replacing the analogue equipment in the near future. Mayor Walker asked for additional discussion, and with none, a roll call vote was taken.

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

Municipal Order No. 2008 - 183 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2008 - 184

MUNICIPAL ORDER AUTHORIZING CHANGE ORDER NO.  
THREE TO THE CONTRACT WITH SCOTT & MURPHY, INC.,  
APPROVING PAYMENTS TO SOUTHERN ENVIRONMENTAL  
SERVICES AND BOWLING GREEN MUNICIPAL UTILITIES AND  
APPROVING DIRECT PURCHASE OF MATERIALS, FOR THE

CIRCUS SQUARE PARK PROJECT IN THE TOTAL AMOUNT OF  
\$74,175.51

Summary of Municipal Order No. 2008 - 184 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 work had been completed and he recommended approval of the change order. Special Projects Coordinator CJ Johanson of the Downtown Redevelopment Authority responded to a request from Comm. Nash regarding the removal of graffiti on the side of the 601 State Street building. Mayor Walker asked for additional discussion, and with none, a roll call vote was taken.

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

Municipal Order No. 2008 - 184 was approved by majority vote. Comm. Denning abstained since he was employed by Scott & Murphy.

MUNICIPAL ORDER NO. 2008 - 185

MUNICIPAL ORDER AUTHORIZING AND ACCEPTING THE  
PURCHASE OF AN ADDITIONAL FIRE TRUCK ASSOCIATED  
WITH BID #2008-17 FOR APPARATUS REPLACEMENT FROM  
SUTPHEN CORPORATION OF CINCINNATI, OHIO IN THE  
AMOUNT OF \$381,097

Summary of Municipal Order No. 2008 - 185 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 explained that the City would save money by exercising the option to purchase an additional truck under the previously awarded bid, which was less than six months old. Mayor Walker asked for additional discussion, and with none, a roll call vote was taken.

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

Municipal Order No. 2008 - 185 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2008 - 186

MUNICIPAL ORDER APPROVING A CONTRACT THROUGH  
NONCOMPETITIVE NEGOTIATIONS WITH BOBCAT OF  
BOWLING GREEN, KENTUCKY UNDER THE KENTUCKY STATE  
PRICING CONTRACT FOR THE PURCHASE OF A BOBCAT SKID  
STEER LOADER IN THE TOTAL AMOUNT OF \$33,534.60

Summary of Municipal Order No. 2008 - 186 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 purchase under state pricing contract. Mayor Walker asked for additional discussion, and with none, a roll call vote was taken.

ROLL CALL:           Voting Yea: Denning, Nash, Strow, Wilkerson and Walker  
                          Voting Nay: None  
Municipal Order No. 2008 - 186 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2008 - 187

MUNICIPAL ORDER AUTHORIZING AND ACCEPTING BID #2008-62 FOR THE STANDARD OIL REHABILITATION DESIGN/BUILD PROJECT FROM SCOTT, MURPHY & DANIEL, LLC OF BOWLING GREEN, KENTUCKY IN THE AMOUNT OF \$154,231

Summary of Municipal Order No. 2008 - 187 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 explained that the project to rehabilitate the Standard Oil building had to be in accordance with the requirements of the Department for Local Government (DLG) and the State Historic Preservation Office (SHPO). He specified that the facility would be renovated to provide public restrooms and he recommended the bid award. Comm. Nash expressed his dislike with being backed into a corner by the State. Although he would vote yes, he disagreed with having to spend this much public money on the project when there had been an opportunity to have the building restored with private contributions. Mayor Walker asked for additional discussion, and with none, a roll call vote was taken.

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

Municipal Order No. 2008 - 187 was approved by majority vote. Comm. Denning abstained since he was employed by Scott & Murphy.

MUNICIPAL ORDER NO. 2008 - 188

MUNICIPAL ORDER AUTHORIZING AND ACCEPTING THE FOURTH YEAR OF A CONTRACT AWARDED BY BID #2005-45 FOR AUDIT SERVICES FROM MOUNTJOY & BRESSLER, LLP OF LOUISVILLE, KENTUCKY IN THE AMOUNT OF \$71,500

Summary of Municipal Order No. 2008 - 188 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 fourth and final year of the contract for audit services. He noted that the services would be bid out again this fall. Mayor Walker asked for additional discussion, and with none, a roll call vote was taken.

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

Municipal Order No. 2008 - 188 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2008 - 189

MUNICIPAL ORDER ACCEPTING AND ADOPTING THE CITY OF  
BOWLING GREEN ENTRY WAY SIGN POLICY

Summary of Municipal Order No. 2008 - 189 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 the proposed policy to address entrance signs to Bowling Green. Mayor Walker reported that former Commissioner Dianne Howerton, and designer of the City's seal, had asked that the Board reconsider including the City's population on the sign. Although he had initially suggested including the population on the sign during the work session discussion held on July 1, 2008, Comm. Denning indicated that he trusted Ms. Howerton and did not have a problem with removing it. However, Commissioners Nash and Strow preferred that the population remain on the sign.

Motion was made by Denning, seconded by Walker, to amend the Entry Way Sign Policy to remove the population from being included on the sign. With no discussion a roll call vote was taken.

ROLL CALL: Voting Yea: Denning, Wilkerson and Walker

Voting Nay: Nash and Strow

Motion to amend the Entry Way Sign Policy attached to Municipal Order No. 2008 - 189 was approved by majority vote.

Mayor Walker asked for additional discussion, and with none, a roll call vote was taken on the Municipal Order as amended.

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

Voting Nay: None

Municipal Order No. 2008 - 189 as amended was approved by unanimous vote.

MUNICIPAL ORDER NO. 2008 - 190

MUNICIPAL ORDER AUTHORIZING AN AGREEMENT  
BETWEEN THE CITY OF BOWLING GREEN AND BOWLING  
GREEN HUMAN RIGHTS COMMISSION, INC. FOR THE  
PROVISION OF FAIR HOUSING EDUCATION SERVICES

Summary of Municipal Order No. 2008 - 190 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 reviewed and recommended the agreement which was part of the Annual Action Plan for Community Development Block Grant funding. Human Rights Commission Director Linda McCray responded to a question about discrimination in housing not being covered by the Uniform Residential Landlord & Tenant Act. Mayor Walker asked for additional discussion, and with none, a roll call vote was taken.

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

Voting Nay: None

Municipal Order No. 2008 - 190 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2008 - 191

MUNICIPAL ORDER AUTHORIZING AN AGREEMENT  
BETWEEN THE CITY OF BOWLING GREEN AND THE HOUSING  
AUTHORITY OF BOWLING GREEN FOR A SMALL BUSINESS  
TRAINING AND TECHNICAL ASSISTANCE PROGRAM

Summary of Municipal Order No. 2008 - 191 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 and recommended the agreement which was also part of the Annual Action Plan for Community Development Block Grant funding. Comm. Nash expressed concern with awarding a contract year after year to the same entity. He indicated that he new of several other entities able to offer similar programs. Housing and Community Development Director Alice Burks explained that the City did not solicit for program providers; however, she stated that the process would be changed as the City prepares for the next CDBG Five Year Plan later this fall. Mayor Walker commented about the public hearings conducted as the plan was initially prepared and that no other entity presented an economic development program as part of the Plan. Mayor Walker asked for additional discussion, and with none, a roll call vote was taken.

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

Municipal Order No. 2008 - 191 was approved by majority vote.

ORDINANCE NO. BG2008 - 39

(First Reading)

ORDINANCE CLOSING A PUBLIC RIGHT-OF-WAY

ORDINANCE APPROVING THE CLOSING OF A PORTION OF  
FAIRMONT AVENUE

Title and summary of Ordinance No. BG2008 - 39 was read by the Assistant City Manager/City Clerk. Motion was made by Wilkerson and seconded by Strow for first reading of said Ordinance. DeFebbo stated that the closing was recommended for approval by the City-County Planning Commission. Mayor Walker asked for additional discussion, and with none, a roll call vote was taken.

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

First reading of Ordinance No. BG2008 - 39 was approved by unanimous vote.

ORDINANCE NO. BG2008 - 40

(First Reading)

ORDINANCE RELATING TO BUDGET AMENDMENT

ORDINANCE APPROVING AMENDMENT NUMBER FOUR TO  
THE CITY OF BOWLING GREEN, KENTUCKY ANNUAL  
OPERATING BUDGET FOR FISCAL YEAR 2008

Title and summary of Ordinance No. BG2008 - 40 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 highlighted, among other items, the initiative to reprogram funds to put toward additional sidewalks near the Housing Authority. Mayor Walker asked for additional discussion, and with none, a roll call vote was taken.

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

First reading of Ordinance No. BG2008 - 40 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2008 - 192

MUNICIPAL ORDER APPROVING AMENDMENT TO THE  
DOWNTOWN PARKS MANAGEMENT AGREEMENT WITH  
DOWNTOWN REDEVELOPMENT AUTHORITY, INC.

Summary of Municipal Order No. 2008 - 192 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 the Board had previously approved the management agreement, but additional clarification was needed regarding alcohol sales in Circus Square Park. City Attorney Gene Harmon responded to questions and described the appropriate process for handling the sale and consumption of alcohol on public property. Special Projects Coordinator CJ Johanson with Downtown Redevelopment Authority confirmed that DRA would apply for a temporary beer license for each evening concert in the park. He also clarified that a Beer Garden, defined space, would be established to better control the location of alcohol in the park. Mr. Johanson also explained that beer would only be sold at Circus Square Park and not in Fountain Square Park as had been done in previous years. Once all discussion ended, a roll call vote was taken.

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

Municipal Order No. 2008 - 192 was approved by unanimous vote.

ORDINANCE NO. BG2008 - 41

(First Reading)

ORDINANCE AMENDING CODE OF ORDINANCES

ORDINANCE AMENDING CHAPTER 2 (ADMINISTRATION),  
SUBCHAPTER 2-17 (HUMAN RIGHTS COMMISSION) OF THE  
CITY OF BOWLING GREEN CODE OF ORDINANCES TO REVISE  
THE COMPOSITION REQUIREMENTS OF THE HUMAN RIGHTS  
COMMISSION

Title and summary of Ordinance No. BG2008 - 41 was read by the Assistant City Manager/City Clerk. Motion was made by Wilkerson and seconded by Nash for first reading of said Ordinance. Comm. Wilkerson explained his proposal to update the language in the Code of Ordinances regarding qualifications for membership on the Human Rights Commission. Mayor Walker asked for additional discussion, and with none, a roll call vote was taken.



ROLL CALL:           Voting Yea: Denning, Nash, Strow, Wilkerson and Walker  
                          Voting Nay: None  
First reading of Ordinance No. BG2008 - 41 was approved by unanimous vote.

CLOSED SESSION

Following a brief recess to clear the Commission Chamber, the Board of Commissioners met in closed session at approximately 8:00 p.m. pursuant to KRS 61.810 (b), (c) and (g) as previously approved.

RECONVENE IN OPEN SESSION

Once all discussion concluded in closed session, the Board of Commissioners reconvened in open session at approximately 9:55 p.m. to consider action. Motion was made by Wilkerson and seconded by Nash to add Municipal Order Nos. 2008 - 193 and 2008 - 194 to the agenda for consideration. With no discussion, a roll call vote was taken.

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

Motion to add Municipal Order Nos. 2008 - 193 and 2008 - 194 to the agenda was approved by unanimous vote.

MUNICIPAL ORDER NO. 2008 - 193

MUNICIPAL ORDER APPROVING A JOB DEVELOPMENT  
INCENTIVE FUND EMPLOYEE WITHHOLDINGS CREDIT  
AGREEMENT WITH DESA, LLC

Summary of Municipal Order No. 2008 - 193 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 Walker asked for additional discussion, and with none, a roll call vote was taken.

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

Municipal Order No. 2008 - 193 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2008 - 194

MUNICIPAL ORDER APPROVING PROPERTY ACQUISITION /  
CONVEYANCE AND USE AGREEMENT AMONG THE CITY OF  
BOWLING GREEN, MILLER AND YORK PROPERTIES, LLC AND  
THE HOUSING AUTHORITY OF BOWLING GREEN RELATED TO  
PROPERTIES LOCATED ON STATE STREET AND 3<sup>RD</sup> AVENUE

Summary of Municipal Order No. 2008 - 194 was read by the Assistant City Manager/City Clerk. Motion was made by Nash and seconded by Strow 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: Denning, Nash, Strow, Wilkerson and Walker  
                          Voting Nay: None  
Municipal Order No. 2008 - 194 was approved by unanimous vote.

ADJOURNMENT

There being no further business to come before the Board of Commissioners, at approximately 10:00 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) a report from the Warren County Downtown Economic Development Authority, Inc.; 2) the removal of traffic lights at 13<sup>th</sup> Avenue and Center Street and 13<sup>th</sup> Avenue and State Street, and the possible removal of traffic lights at Park Row and State Street and Park Row and College Street; and 3) the results of the 2008 City Auction and recommendations to change the 2009 Auction process. The Board agreed to the removal of the two traffic lights on 13<sup>th</sup> Avenue and installation of stop signs, and requested additional data regarding the traffic lights on Park Row.

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

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

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

*Minutes prepared by Assistant City Manager/City Clerk Katie Schaller*