

**MINUTES of REGULAR MEETING
of the BOARD of COMMISSIONERS
of the CITY of BOWLING GREEN, KENTUCKY
held MARCH 15, 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 March 15, 2011. Mayor Joe W. Denning called the meeting to order, and he welcomed Commissioner Hill to her first meeting of the Board of Commissioners. An invocation was given by Commissioner 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 Bruce Wilkerson, Commissioner Melinda M. Hill, Commissioner Brian "Slim" Nash, Commissioner Bill Waltrip and Mayor Joe W. Denning. Absent: none. There was a full quorum of the Board of Commissioners.

AWARDS & RECOGNITIONS

Mayor Denning recognized several Western Kentucky University students who were in attendance at the meeting.

CITY MANAGER

City Manager Kevin D. DeFebbo withdrew item number 11 (Municipal Order No. 2011 – 54) from the agenda. He also 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. Motion was made by Wilkerson and seconded by Nash to convene in closed session following the regular meeting pursuant to KRS 61.810 (1) (b). Denning called for roll call vote.

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

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

APPROVAL OF MINUTES

Minutes of Regular Meeting March 1, 2011 and Special Meeting March 3, 2011

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 Denning asked for discussion, and with none, a roll call vote was taken.

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

Motion to approve the minutes of the regular meeting of March 1, 2011 and special meeting of March 3, 2011 was approved by majority vote.

PUBLIC COMMENTS

Mayor Denning opened the floor for any public comments and there were none.

MUNICIPAL ORDER NO. 2011 - 48

MUNICIPAL ORDER APPROVING THE APPOINTMENT OF
PATRICIA D. TARQUINO TO THE HUMAN RIGHTS
COMMISSION

Summary of Municipal Order No. 2011 - 48 was read by the Assistant City Manager/City Clerk. Motion was made by Waltrip 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: Wilkerson, Hill, Nash, Waltrip and Denning
 Voting Nay: None

Municipal Order No. 2011 - 48 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2011 - 49

MUNICIPAL ORDER AUTHORIZING A CHANGE ORDER TO THE
CONTRACT WITH SCOTT & RITTER, INC. OF BOWLING
GREEN, KENTUCKY FOR BOWLING GREEN POLICE
DEPARTMENT FIRING RANGE IMPROVEMENTS (BID #2011-16)
IN THE AMOUNT NOT TO EXCEED \$22,000, AND
AUTHORIZING LIGHTING AND ELECTRICAL IMPROVEMENTS
NOT TO EXCEED \$16,000, FOR A TOTAL PROJECT INCREASE
OF \$38,000

Summary of Municipal Order No. 2011 - 49 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 reviewed the \$150,000 capital improvement item approved in the budget and the ability to complete the planned 2-year phased project ahead of schedule and well under its total estimated cost. Comm. Waltrip confirmed that this additional work would have taken place in the out-year (next budget year). Mayor Denning asked for additional discussion, and with none, a roll call vote was taken.

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

Municipal Order No. 2011 - 49 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2011 - 50

MUNICIPAL ORDER AUTHORIZING AND ACCEPTING BID
#2011-26 FOR CHEMICALS AND FERTILIZERS FOR THE PARKS
AND RECREATION DEPARTMENT, GOLF DIVISION FROM
VARIOUS VENDORS IN THE TOTAL AMOUNT NOT TO EXCEED
\$131,176.80

Summary of Municipal Order No. 2011 - 50 was read by the Assistant City Manager/City Clerk. Motion was made by Nash and seconded by Waltrip for consideration of said Municipal Order. DeFebbo indicated this was an annual bid that locked in prices for the next year. Mayor Denning asked for additional discussion, and with none, a roll call vote was taken.

ROLL CALL: Voting Yea: Wilkerson, Hill, Nash, Waltrip and Denning
Voting Nay: None
Municipal Order No. 2011 - 50 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2011 - 51

MUNICIPAL ORDER ASSUMING OWNERSHIP AND MAINTENANCE RESPONSIBILITY FOR RIGHT-OF-WAY IMPROVEMENTS AT THE APPROACHES OF MCFADDENS FERRY WAY AND MIDDLEBRIDGE ROAD FROM THE COMMONWEALTH OF KENTUCKY TRANSPORTATION CABINET RELATED TO THE WIDENING OF CUMBERLAND TRACE

Summary of Municipal Order No. 2011 - 51 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 reviewed the previously agreed upon protocol established for taking over State improved right-of-way maintenance. He noted the City would accept the improvements and maintenance after the Cumberland Trace road project was complete. Mayor Denning asked for additional discussion, and with none, a roll call vote was taken.

ROLL CALL: Voting Yea: Wilkerson, Hill, Nash, Waltrip and Denning
Voting Nay: None
Municipal Order No. 2011 - 51 was approved by unanimous vote.

ORDINANCE NO. BG2011 - 10

(First Reading)

ORDINANCE REZONING REAL ESTATE

ORDINANCE REZONING A TRACT OF LAND CONTAINING 2.046 ACRES FROM OP-R (OFFICE PROFESSIONAL - RESIDENTIAL) TO GB (GENERAL BUSINESS) LOCATED AT DISHMAN LANE EXTENSION, LOTS 12, 13 AND 14 OF WOODLAND STATION SUBDIVISION, PRESENTLY OWNED BY SHELTON INVESTMENTS, LLC

Title and summary of Ordinance No. BG2011 - 10 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 for discussion, and with none, a roll call vote was taken.

ROLL CALL: Voting Yea: Wilkerson, Hill, Nash, Waltrip and Denning
Voting Nay: None
First reading of Ordinance No. BG2011 - 10 was approved by unanimous vote.

ORDINANCE NO. BG2011 - 11

(First Reading)

ORDINANCE REZONING REAL ESTATE

ORDINANCE REZONING A TRACT OF LAND CONTAINING 9.0239 ACRES FROM HI (HIGHWAY INDUSTRIAL) TO PUD

(PLANNED UNIT DEVELOPMENT) LOCATED AT THE INTERSECTION OF NASHVILLE ROAD AND MEMPHIS JUNCTION ROAD, PRESENTLY OWNED BY LEON TARTER AND REEVES FAMILY, LLC, WITH KANUBHAI PATEL AS CONTRACT VENDEE

Title and summary of Ordinance No. BG2011 - 11 was read by the Assistant City Manager/City Clerk. Motion was made by Wilkerson and seconded by Waltrip for first reading of said Ordinance. Comm. Hill inquired about a neighborhood meeting which took place before the public hearing, in addition to requirements and cost of a future traffic impact study. City-County Planning Commission Director Steve Hunter responded that several items from the neighborhood meeting were incorporated into the binding elements. Mr. Hunter also indicated that a traffic study was completed and included several proposals for traffic improvements as well as a redesigned intersection to accommodate for a possible stop light.

Comm. Wilkerson asked if Nashville Road would be expanded before construction of the new development began and if there would be any overnight parking permitted on the site. Mr. Hunter relayed that improvements to Nashville Road would have to wait on the State. He also noted that the property development was not considered a traditional truck stop and should not have overnight parking. Comm. Wilkerson stated he was worried about maintaining current air pollution standards if trucks would be allowed to sit and idle for extended periods of time.

In addition, Comm. Wilkerson pointed out that Binding Elements #7 and #13 contained language that was redundant of existing laws. Mr. Hunter explained this was done in an effort to provide more comfort to neighbors by showing the developers intentions to comply, as well as to tie the requirements to the property deed for recording. Once all discussion ended, a roll call vote was taken.

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

First reading of Ordinance No. BG2011 - 11 was approved by unanimous vote.

ORDINANCE NO. BG2011 - 12

(First Reading)

ORDINANCE AMENDING ZONING ORDINANCE

ORDINANCE AMENDING ARTICLES 1, 2, 3 AND 4 OF THE ZONING ORDINANCE FOR THE CITY OF BOWLING GREEN, KENTUCKY AS RECOMMENDED BY THE CITY-COUNTY PLANNING COMMISSION

Title and summary of Ordinance No. BG2011 - 12 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-County Planning Commission Director Steve Hunter provided an overview of the major changes to the Zoning Ordinance which included some housekeeping related items. He also responded to questions from Comm. Nash about the revision to the University District boundaries, concerns from property owners, lack of opposition at public hearing, and notification of the proposed changes. Mayor Denning asked for additional discussion, and with none, a roll call vote was taken.

ROLL CALL: Voting Yea: Wilkerson, Hill, Nash, Waltrip and Denning
 Voting Nay: None
First reading of Ordinance No. BG2011 - 12 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2011 - 52

MUNICIPAL ORDER AUTHORIZING AND ACCEPTING THE FILING OF A GRANT APPLICATION WITH THE KENTUCKY TRANSPORTATION CABINET FOR FISCAL YEAR 2012 FEDERAL TRANSPORTATION ASSISTANCE UNDER THE SECTION 5307 PROGRAM THROUGH THE FEDERAL TRANSIT ADMINISTRATION IN AN AMOUNT NOT TO EXCEED \$976,939

Summary of Municipal Order No. 2011 - 52 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 small urbanized areas like Bowling Green are eligible to receive federal funds for transit programs. He explained that this request would reserve the total amount of available funds, although not all funds may be used. He noted that further discussion would take place during the budget process regarding the City's participation with a grant match. Housing and Grants Manager Brent Childers responded to a question about the City's portion of the match. Mayor Denning asked for additional discussion, and with none, a roll call vote was taken.

ROLL CALL: Voting Yea: Wilkerson, Hill, Nash, Waltrip and Denning
 Voting Nay: None
Municipal Order No. 2011 - 52 was approved by unanimous vote.

ORDINANCE NO. BG2011 - 13

(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 2011

Title and summary of Ordinance No. BG2011 - 13 was read by the Assistant City Manager/City Clerk. Motion was made by Wilkerson and seconded by Waltrip for first reading of said Ordinance. DeFebbo reviewed changes to the City's accounting requirements for Special Revenue Funds imposed by the Governmental Accounting Standards Board Statement #54 (GASB 54). Chief Financial Officer Jeff Meisel confirmed that there were no changes to the bottom line, just changes to what can be considered a Special Revenue Fund and how fund balances are classified. Mayor Denning asked for additional discussion, and with none, a roll call vote was taken.

ROLL CALL: Voting Yea: Wilkerson, Hill, Nash, Waltrip and Denning
 Voting Nay: None
First reading of Ordinance No. BG2011 - 13 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2011 - 53

MUNICIPAL ORDER AUTHORIZING THE CONTINUATION OF A
CONTRACT WITH US BANK TO PROVIDE BANKING SERVICES
FOR AN ADDITIONAL YEAR

Summary of Municipal Order No. 2011 - 53 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 stated the City went out to bid for banking services in 2008 and this was the fourth year of a five year contract that required annual renewals. In response to a question from Comm. Hill, Chief Financial Officer Jeff Meisel explained the bidding process was set up in five year increments to provide some continuity of services. Mayor Denning asked for additional discussion, and with none, a roll call vote was taken.

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

Municipal Order No. 2011 - 53 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2011 - 54

MUNICIPAL ORDER APPROVING AGREEMENT WITH QUAIL
FOREVER, CHAPTER #3144 RELATED TO USE OF PARK
PROPERTY FOR A LAND MANAGEMENT PROJECT

Municipal Order No. 2011 - 54 was previously withdrawn from the agenda.

ORDINANCE NO. BG2011 - 14

(First Reading)

ORDINANCE AMENDING CODE OF ORDINANCES

ORDINANCE AMENDING CHAPTER 4 (ALCOHOLIC BEVERAGE
CONTROL) OF THE CITY OF BOWLING GREEN CODE OF
ORDINANCES TO RESCIND LANGUAGE RELATING TO THE
POSSESSION OF DEADLY WEAPONS ON PREMISES LICENSED
FOR THE SALE OF ALCOHOLIC BEVERAGES AND TO MAKE
OTHER ADMINISTRATIVE AMENDMENTS

Title and summary of Ordinance No. BG2011 - 14 was read by the Assistant City Manager/City Clerk. Motion was made by Wilkerson and seconded by Nash for first reading of said Ordinance. As sponsor of the item, Comm. Wilkerson remarked he had received an email, sent to all of the Board, from a gentleman who pointed out that the City's ordinance might have been in conflict with State law. On that premise, he proposed the revision to Chapter 4, which original language may have predated the State law provisions. City Attorney Gene Harmon reviewed the proposed changes and responded to questions. Mayor Denning asked for additional discussion, and with none, a roll call vote was taken.

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

First reading of Ordinance No. BG2011 - 14 was approved by unanimous vote.

ORDINANCE NO. BG2011 - 15
(First Reading)
ORDINANCE AMENDING CODE OF ORDINANCES

ORDINANCE AMENDING CHAPTER 22 (TRAFFIC AND MOTOR VEHICLES) OF THE CITY OF BOWLING GREEN CODE OF ORDINANCES TO PERMIT THE OPERATION OF GOLF CARTS ON CITY STREETS

Title and summary of Ordinance No. BG2011 - 15 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 that this item was a result of a constituent request related to a long standing practice of operating golf carts on City streets. With revisions in State law last year regulating the use of golf carts on public rights-of-way, he proposed permitting or enabling their operation in Bowling Green.

Comm. Nash indicated that he initially thought this ordinance would create an unsafe environment. However, he now thought it would actually increase safety with stricter regulations requiring that the carts be inspected and permitted. Mayor Denning asked for additional discussion, and with none, a roll call vote was taken.

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

First reading of Ordinance No. BG2011 - 15 was approved by unanimous vote.

CLOSED SESSION

Following a brief recess to clear the Commission Chamber, the Board of Commissioners met at approximately 8:00 p.m. in closed session pursuant to KRS 61.810 (1) (b) as previously approved.

ADJOURNMENT

Once all discussion concluded in closed session and there being no further business to come before the Board of Commissioners, at approximately 8:25 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) the structure and role of Homeowners Associations (HOA) as allowed in the Planning Commission's Subdivision Regulations, including the requirement of an HOA for Deere Park Subdivision; 2) the possible sale of surplus property located at 425 1st Avenue and 101 State Street for the purpose of economic development through a Request for Proposals (RFP); and 3) the replacement of the 800 MHz Radio System and the development of a small workgroup composed of City and County staff to make recommendations for a new radio system.

(Minutes-Board of Commissioners-March 15, 2011)

ADOPTED: _____

APPROVED: _____
Mayor, Chairman of Board of Commissioners

ATTEST: _____
City Clerk

Minutes prepared by Assistant City Manager/City Clerk Katie Schaller