

**MINUTES of REGULAR MEETING
of the BOARD of COMMISSIONERS
of the CITY of BOWLING GREEN, KENTUCKY
held SEPTEMBER 1, 2009**

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 September 1, 2009. 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 Joe W. Denning, Commissioner Catherine Hamilton, Commissioner Brian "Slim" Nash, Commissioner Bruce Wilkerson and Mayor Elaine N. Walker. Absent: none. There was a full quorum of the Board of Commissioners.

PUBLIC HEARINGS

Chief Financial Officer Jeff Meisel conducted a public hearing for the purpose of obtaining comments from citizens regarding the proposed 2009 property tax rate that was recommended to be \$0.212 per \$100 assessed property value. The 2009 rate would capture a four percent (4%) growth rate on existing real estate as permitted by HB44. Mr. Meisel also stated that tax bills would be mailed out in the next few weeks and payment was due December 31, 2009. Rick Montgomery of 3430 Red Oak Drive spoke against an increase in taxes and said the City should cut its budget before raising taxes.

Housing and Community Development Director Alice Burks conducted a public hearing for the purpose of reviewing and receiving comments on a proposed Substantial Amendment to the Five Year Consolidated Plan and the Annual Action Plans for Years 1 through 5 (Fiscal Years 2005 – 2009) for the Community Development Block Grant Program. Ms. Burks reported that approximately \$49,903 had been identified in underspending and recommended to be used toward the Homeowner Rehabilitation Program to allow two more homes to be improved for low to moderate income homeowners. There were no public comments.

AWARDS & RECOGNITIONS

In between discussions later in the meeting, Mayor Walker welcomed a Boy Scout named Mason who was in attendance.

CITY MANAGER

City Manager Kevin D. DeFebbo had no comments at this time.

APPROVAL OF MINUTES

Minutes of Regular Meeting August 18, 2009

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 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: Denning, Hamilton, Nash, Wilkerson and Walker

Voting Nay: None

Motion to approve the minutes of the regular meeting of August 18, 2009 was approved by unanimous vote.

PUBLIC COMMENTS

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

MUNICIPAL ORDER NO. 2009 – 179

MUNICIPAL ORDER APPROVING THE PROBATIONARY APPOINTMENT OF PAMELA S. BOOSE TO THE POSITION OF OFFICE ASSOCIATE IN THE PARKS AND RECREATION DEPARTMENT

Summary of Municipal Order No. 2009 - 179 was read by the Assistant City Manager/City Clerk. Motion was made by Hamilton and seconded by Wilkerson for consideration of said Municipal Order. DeFebbo reviewed the in-house application process and recommended the appointment of a part-time office assistant to the full-time position. Mayor Walker asked for additional discussion, and with none, a roll call vote was taken.

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

Municipal Order No. 2009 - 179 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2009 – 180

MUNICIPAL ORDER APPROVING THE PROMOTION OF NICOLE L. DEFREEZE TO THE POSITION OF SPECIAL POPULATIONS COORDINATOR IN THE PARKS AND RECREATION DEPARTMENT

Summary of Municipal Order No. 2009 - 180 was read by the Assistant City Manager/City Clerk. Motion was made by Denning and seconded by Nash for consideration of said Municipal Order. DeFebbo reviewed the application process and recommended the promotion. He also announced that Mr. Williams, one of the parents of a special populations participant, assisted with the interviewing process. Mayor Walker asked for additional discussion, and with none, a roll call vote was taken.

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

Municipal Order No. 2009 - 180 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2009 – 181

MUNICIPAL ORDER APPROVING THE PROBATIONARY APPOINTMENTS OF STEPHEN P. CANDELA AND BRANDON K. GILLIAM TO THE POSITION OF FIREFIGHTER IN THE FIRE DEPARTMENT

Summary of Municipal Order No. 2009 - 181 was read by the Assistant City Manager/City Clerk. Motion was made by Wilkerson and seconded by Hamilton for consideration of said Municipal Order. DeFebbo commented about the extensive application and testing process for entry level firefighters. He recommended the appointment of the top two candidates to fill slots opened from recent retirements. Mayor Walker asked for additional discussion, and with none, a roll call vote was taken.

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

Municipal Order No. 2009 - 181 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2009 – 182

MUNICIPAL ORDER AUTHORIZING AND ACCEPTING BID #2010-02 FOR A CONTRACT WITH MONARCH ENVIRONMENTAL OF BOWLING GREEN, KENTUCKY FOR SANITATION SERVICES IN THE AMOUNT OF \$33,299.40

Summary of Municipal Order No. 2009 - 182 was read by the Assistant City Manager/City Clerk. Motion was made by Wilkerson and seconded by Hamilton for consideration of said Municipal Order. DeFebbo reviewed and recommended the commercial waste disposal contract for the City's facilities. He credited Purchasing Agent Jennifer Portmann for her efforts to achieve a savings in the contract and add additional services at the same time. She asked for additional discussion, and with none, a roll call vote was taken.

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

Municipal Order No. 2009 - 182 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2009 – 183

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

Summary of Municipal Order No. 2009 - 183 was read by the Assistant City Manager/City Clerk. Motion was made by Wilkerson and seconded by Hamilton for consideration of said Municipal Order. DeFebbo indicated that this item related to the Year 6 Annual Action Plan of the Consolidated Plan for Community Development Block Grant Entitlement Funding which was previously approved in May and addressed an identified need outlined in the Consolidated Plan. He noted this was the fourth year that the City has funded this program. Mayor Walker asked for additional discussion, and with none, a roll call vote was taken.

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

Municipal Order No. 2009 - 183 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2009 – 184

MUNICIPAL ORDER AUTHORIZING AN AGREEMENT BETWEEN THE CITY OF BOWLING GREEN AND COMMUNITY ACTION OF SOUTHERN KENTUCKY, INC. FOR THE EXPANSION OF THE WEATHERIZATION AND PUBLIC TRANSIT PROGRAMS

Summary of Municipal Order No. 2009 - 184 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 indicated that this item also related to the Year 6 Annual Action Plan of the Consolidated Plan for Community Development Block Grant Entitlement Funding which was previously approved in May. He noted the funds would be used to purchase property to expand the weatherization and public transit programs. Mayor Walker asked for additional discussion, and with none, a roll call vote was taken.

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

Municipal Order No. 2009 - 184 was approved by unanimous vote.

ORDINANCE NO. BG2009 - 25
(First Reading)
ORDINANCE REZONING REAL ESTATE

ORDINANCE REZONING A TRACT OF LAND CONTAINING 0.202 ACRE FROM RM-4 (MULTI-FAMILY RESIDENTIAL) TO OP-R (OFFICE PROFESSIONAL-RESIDENTIAL) LOCATED AT 1035 KENTUCKY STREET, WITH BINDING ELEMENTS, PRESENTLY OWNED BY VICTOR J. IANNUZZI

Title and summary of Ordinance No. BG2009 - 25 was read by the Assistant City Manager/City Clerk. Motion was made by Wilkerson and seconded by Hamilton for first reading of said Ordinance. City-County Planning Commission Director Steve Hunter remarked that there had been a significant reduction in zoning requests this year which was a sign of the slower economy. He reviewed the recommended rezoning and its associated binding elements. Mayor Walker asked for additional discussion, and with none, a roll call vote was taken.

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

First reading of Ordinance No. BG2009 - 25 was approved by unanimous vote.

ORDINANCE NO. BG2009 - 26
(First Reading)
ORDINANCE NAMING STREET

ORDINANCE APPROVING THE NAMING OF A NEW STREET CONNECTING MT. VICTOR LANE AND LOVERS LANE TO AVERY LANE

Title and summary of Ordinance No. BG2009 - 26 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 explained this was a naming of a newly constructed street which was recently

accepted into the City's maintenance program. Mayor Walker asked for additional discussion, and with none, a roll call vote was taken.

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

First reading of Ordinance No. BG2009 - 26 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2009 – 185

MUNICIPAL ORDER ACCEPTING AND RATIFYING ACTIONS OF CITY OFFICIALS IN EXECUTING GRANT AGREEMENT AMONG THE BOWLING GREEN-WARREN COUNTY REGIONAL AIRPORT BOARD, THE CITY OF BOWLING GREEN, WARREN COUNTY AND THE FEDERAL AVIATION ADMINISTRATION RELATED TO ASPHALT OVERLAY AND STRENGTHENING PROJECT FOR RUNWAY 3/21

Summary of Municipal Order No. 2009 - 185 was read by the Assistant City Manager/City Clerk. Motion was made by Wilkerson and seconded by Hamilton for consideration of said Municipal Order. DeFebbo reviewed the grant agreement and the City's requirement to provide its share (1.25%) of the matching funds. Mayor Walker asked for additional discussion, and with none, a roll call vote was taken.

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

Municipal Order No. 2009 - 185 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2009 – 186

MUNICIPAL ORDER REPEALING MUNICIPAL ORDER NO. 2008-189 ACCEPTING AND ADOPTING THE CITY OF BOWLING GREEN ENTRY WAY SIGN POLICY

Summary of Municipal Order No. 2009 - 186 was read by the Assistant City Manager/City Clerk. Motion was made by Denning and seconded by Hamilton for consideration of said Municipal Order. DeFebbo recounted that Operation P.R.I.D.E. had requested that the City revise or repeal its Entry Way Sign Policy at the August 18th work session in order to replace the existing signs with "Welcome" signs.

Operation P.R.I.D.E. Board Chairman (and former Mayor) Johnny Webb thanked the Board of Commissioners for its continued financial assistance and support of the organization. Mr. Webb pointed out that P.R.I.D.E. had originally erected the welcome signs in the mid 1990's which were paid for by private donations. However, since the City replaced the original signs last year and consolidated several other signs reflecting various school achievements/accomplishments on removable sign panels, several complaints had been received that the signs were difficult to read. In an effort to address those complaints P.R.I.D.E. proposed to replace the signs once again with a more simplistic design. Mr. Webb also read a letter from local businessman and philanthropist David Garvin who supported the change of the signs back to their original concept as a "Welcome" sign and urged the delegation of the sign responsibility to P.R.I.D.E.

James Williams of 143 Meadowbrook Circle, speaking on behalf of those with intellectual disabilities, urged that recognition panels remain to honor local winners, specifically the area Women's Basketball Team USA of the 2007 Special Olympics World Games held in China who brought home the Gold Medal. He stated it would be a disgrace to the team to take down the sign.

Graphics Designer (and former Commissioner) Dianne Howerton of 2011 Nashville Road detailed her involvement with the design of the original, most recently installed and newly proposed signs. She acknowledged that the concept for the recognition panels was lost in transition and were not utilitarian or effectively serving their purpose. She proposed that the existing panels could still be used in some other location in the City, such as in the parks where people would not be driving by to read them.

Mayor Walker asked if Mr. Webb and Ms. Howerton would be willing to come up with a better way to recognize accomplishments. Both agreed to assist. Operation P.R.I.D.E. Executive Director Ray Lackey stated that it was not P.R.I.D.E.'s intention to do away with the recognition signs altogether. Mr. Lackey reported that in speaking with board member Jeff Moore (Kentucky Transportation Cabinet District 3, Planning Division Branch Manager), Mr. Moore verified that signs could continue to be placed on state right-of-way closer to the schools.

Comm. Nash inquired where P.R.I.D.E. was when discussions occurred last year regarding the sign policy. Mr. Webb responded that he was not aware that P.R.I.D.E. had any say in the matter. Comm. Nash agreed that recognizing groups in other ways had traction. However, he stated he could not support this change since the City had just spent money on changing the signs. Comm. Wilkerson surmised that it was premature to make a change to the existing signs before a resolution was determined to address the recognition process. Mr. Webb agreed to bring back ideas to the Board of Commissioners. Comm. Denning suggested that Mr. Williams also be involved in the discussions to address the recognition process. Once the discussion ended, a roll call vote was taken.

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

Municipal Order No. 2009 - 186 was approved by majority vote.

ORDINANCE NO. BG2009 - 27

(First Reading)

ORDINANCE RELATING TO PROPERTY TAX RATES

**ORDINANCE SETTING 2009 PROPERTY TAX RATES,
FRANCHISE TAX RATES AND IMPROVEMENT ASSESSMENT
RATES, AND SETTING FORTH GUIDELINES FOR PAYMENT,
PENALTY AND INTEREST**

Title and summary of Ordinance No. BG2009 - 27 was read by the Assistant City Manager/City Clerk. Motion was made by Wilkerson and seconded by Hamilton for first reading of said Ordinance. DeFebbo stated the proposed tax rate was presented during the public hearing and he recommended its approval. Mayor Walker asked for additional discussion, and with none, a roll call vote was taken.

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

First reading of Ordinance No. BG2009 - 27 was not approved by majority vote.

ADJOURNMENT

There being no further business to come before the Board of Commissioners, at approximately 7:55 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) an overview of the preliminary draft Bowling Green/Warren County Focus 2030 Comprehensive Plan and 90-day public comment period; and 2) a report of downtown TIF activities presented by the Warren County Downtown Economic Development Authority with discussion on proposed changes to the Interim Financing Agreement and construction in Blocks 12 and 16.

ADOPTED: _____

APPROVED: _____
Mayor, Chairman of Board of Commissioners

ATTEST: _____
City Clerk

Minutes prepared by Assistant City Manager/City Clerk Katie Schaller