

**MINUTES of REGULAR MEETING
of the BOARD of COMMISSIONERS
of the CITY of BOWLING GREEN, KENTUCKY
held APRIL 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 April 15, 2008. Mayor Elaine N. Walker called the meeting to order. An invocation was given by Brian Howard of Grace and Peace Presbyterian 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 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.

RECOGNITION

Mayor Walker recognized members of Boy Scout Troop 510 affiliated with St. James United Methodist Church who were in attendance at the meeting.

PUBLIC HEARING

Housing and Community Development Director Alice Burks conducted a public hearing to receive comments about the Annual Action Plan draft for the Year 5 Community Development Block Grant Entitlement Program. Ms. Burks announced that the City should receive \$555,806, with these funds allocated for fair housing education, affordable housing construction loan pool, home buyer down payment assistance, small business development program, rental conversion program, and housing market analysis and general administration. She stated that final approval of the plan was scheduled to be placed on the agenda for the May 6, 2008 Board of Commissioners meeting. Ms. Burks responded to questions from the Board of Commissioners regarding the programs to be funded, the purpose of the housing market analysis, and the process to prepare for a new five year plan.

Bowling Green Housing Authority Director Abraham Williams thanked the Board for its support of the rental conversion and small business development programs. The owner of 1204 N. Lee Drive and the owner of 244 Regland Way each expressed appreciation for assistance through the rental conversion program. In response to a question from Alicia Haley of 947 Van Meter Road, Ms. Burks confirmed that the program was focused in the Enterprise Community area.

Melanie Lawrence of The Housing Fund, Inc. commented about services being provided to both the public and private sectors and the funds raised from various sources to assist with the Affordable Housing Construction Loan Pool and Home Buyer Down Payment Assistance programs.

CITY MANAGER

City Manager Kevin D. DeFebbo welcomed Police Officer Ryan Burnham who was in attendance to provide increased security during the meeting. He also requested a closed session for the purpose of discussion of the future acquisition and sale 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 and

property to be sold by the City, for proposed and pending litigation against and on behalf of the City, and for discussions between the City and a representative of business entities and for discussions concerning specific proposals, as open discussions would jeopardize the siting, retention, expansion or upgrading of the businesses. Motion was made by Wilkerson and seconded by Nash 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: Wilkerson, Denning, Nash, Strow 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 Regular Meeting April 1, 2008

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: Wilkerson, Denning, Nash, Strow and Walker
 Voting Nay: None

Motion to approve the minutes of the regular meeting of April 1, 2008 was approved by unanimous vote.

PUBLIC COMMENTS

Commissioner Wilkerson acknowledged several Police Department employees who were recently presented awards at an annual ceremony. He also requested that three Police Officers assigned overseas be kept in people's prayers.

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 - 88

MUNICIPAL ORDER APPROVING THE APPOINTMENT OF RICHARD MORGAN AND REAPPOINTMENT OF RICK D. COTHERN TO THE UNIVERSITY DISTRICT REVIEW COMMITTEE

MUNICIPAL ORDER NO. 2008 - 89

MUNICIPAL ORDER APPROVING THE REAPPOINTMENTS OF JAMES MARTENS AND HAROLD WILLS TO THE BOWLING GREEN AUDIT COMMITTEE

MUNICIPAL ORDER NO. 2008 - 90

MUNICIPAL ORDER AUTHORIZING THE RATIFICATION OF A GRANT APPLICATION TO THE KENTUCKY TRANSPORTATION CABINET FOR FEDERAL TRANSPORTATION ASSISTANCE THROUGH THE TRANSIT ADMINISTRATIONS SECTION 5307 URBANIZED AREA FORMULA GRANT PROGRAM AND RTAP FUNDS

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

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

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

REGULAR AGENDA

ORDINANCE NO. BG2008 - 17

(Second Reading)

ORDINANCE CLOSING A PUBLIC RIGHT-OF-WAY

ORDINANCE APPROVING THE CLOSING OF AN ALLEY OFF OF CENTER STREET IN THE BLOCK BETWEEN 10TH AND 11TH AVENUES

Title and summary of Ordinance No. BG2008 - 17 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: Wilkerson, Denning, Nash, Strow and Walker
Voting Nay: None

Ordinance No. BG2008 - 17 was adopted by unanimous vote.

ORDINANCE NO. BG2008 - 18

(Second Reading)

ORDINANCE REZONING REAL ESTATE

ORDINANCE REZONING A TRACT OF LAND CONTAINING 2.31 ACRES FROM LI (LIGHT INDUSTRY) AND (AG) AGRICULTURE TO HB (HIGHWAY BUSINESS) LOCATED OFF OF BOATLANDING ROAD AND KENTUCKY HIGHWAY 185, WITH BINDING ELEMENTS, PRESENTLY OWNED BY JIM DIEMER'S BIG STAR SUPERMARKET, INC.

Title and summary of Ordinance No. BG2008 - 18 was read by the Assistant City Manager/City Clerk. Motion was made by Wilkerson and seconded by Denning for second reading of said Ordinance. Mayor Walker asked for discussion, and with none, a roll call vote was taken.

ROLL CALL: Voting Yea: Wilkerson, Denning, Nash, Strow and Walker
 Voting Nay: None
Ordinance No. BG2008 - 18 was adopted by unanimous vote.

MUNICIPAL ORDER NO. 2008 - 91

MUNICIPAL ORDER APPROVING THE PROMOTIONS OF KEVIN RAY GREATHOUSE, JEFFERY STEWART SALINGS AND MICHAEL AARON WEST TO THE POSITION OF OPERATIONS MAINTENANCE TECHNICIAN I IN THE PUBLIC WORKS DEPARTMENT, OPERATIONS DIVISION

Summary of Municipal Order No. 2008 - 91 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 career path program previously established by the Board. Public Works Director Emmett Wood recommended the promotions and reviewed the qualifications for each individual. Mayor Walker asked for additional discussion, and with none, a roll call vote was taken.

ROLL CALL: Voting Yea: Wilkerson, Denning, Nash, Strow and Walker
 Voting Nay: None
Municipal Order No. 2008 - 91 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2008 - 92

MUNICIPAL ORDER APPROVING CONTRACTS THROUGH NONCOMPETITIVE NEGOTIATIONS WITH INTERACT PUBLIC SAFETY SYSTEMS IN THE AMOUNT OF \$11,880, PRECISION MOUNTING TECHNOLOGIES IN THE AMOUNT OF \$17,640, INDEPENDENCE COMMUNICATIONS IN THE AMOUNT OF \$50,496 AND GTSI CORPORATION IN THE AMOUNT OF \$110,880 UNDER KENTUCKY STATE PRICING CONTRACTS FOR THE PURCHASE OF EQUIPMENT RELATED TO THE INSTALLATION AND OPERATION OF MOBILE DATA COMPUTERS-PHASE 3

Summary of Municipal Order No. 2008 - 92 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 expressed the City's commitment to purchase MDC's for police vehicles. Mayor Walker confirmed the restriction to purchase through state pricing contracts. With no further discussion, a roll call vote was taken.

ROLL CALL: Voting Yea: Wilkerson, Denning, Nash, Strow and Walker
 Voting Nay: None
Municipal Order No. 2008 - 92 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2008 - 93

MUNICIPAL ORDER AUTHORIZING THE CONTINUATION OF A CONTRACT WITH KENWAY CONTRACTING, INC. OF BOWLING GREEN, KENTUCKY FOR THE DEMOLITION OF STRUCTURES

AND SITE CLEARANCE SERVICES IN AN AMOUNT NOT TO EXCEED \$75,000

Summary of Municipal Order No. 2008 - 93 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 execution of the contract at the same price as the previous year. Mayor Walker asked for additional discussion, and with none, a roll call vote was taken.

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

Municipal Order No. 2008 - 93 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2008 - 94

MUNICIPAL ORDER AUTHORIZING THE CONTINUATION OF A CONTRACT WITH MICRO-ANALYTICS, INC. OF LOUISVILLE, KENTUCKY FOR THE INSPECTION OF HAZARDOUS MATERIALS IN AN AMOUNT NOT TO EXCEED \$25,000

Summary of Municipal Order No. 2008 - 94 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 at the same price. Mayor Walker asked for additional discussion, and with none, a roll call vote was taken.

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

Municipal Order No. 2008 - 94 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2008 - 95

MUNICIPAL ORDER DISCONTINUING THE FULL-TIME POSITIONS OF FAMILY SELF SUFFICIENCY FAMILY COUNSELOR AND HOMEOWNERSHIP COUNSELOR AND LAYING OFF THE EMPLOYEES IN THOSE POSITIONS

Summary of Municipal Order No. 2008 - 95 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 reviewed the aggressive efforts taken by staff to provide counseling and eliminate barriers to homeownership. Unfortunately, with the loss of grant funding for the program, he recommended the elimination of the two positions and to contract for services. DeFebbo specified that this recommendation had nothing to do with the individuals in those positions and that it was simply a budgetary consideration. Mayor Walker commended the work of the two individuals and recognized the efforts of staff to get the grant funds reinstated. Once all discussion ended, a roll call vote was taken.

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

Municipal Order No. 2008 - 95 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2008 - 96

MUNICIPAL ORDER APPROVING PARKS AND RECREATION
FEES

Summary of Municipal Order No. 2008 - 96 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 various fees established for golf courses, cemeteries, aquatics facility and other parks and recreational activities. Comm. Strow requested a comparison of fees with previous year amounts be provided the next time fees are presented for approval. Parks and Recreation Director Ernie Gouvas agreed to that request.

Both Mr. Gouvas and Golf Professional Bob Jeffers responded to questions regarding fees for the three golf courses. Comm. Nash indicated that he would like to see the City develop a long range plan to attract junior golfers. He also expressed concern with charging part-time golf employees for use of a cart. Following discussion, Comm. Nash made a motion to amend the fee schedule attached to Municipal Order No. 2008 - 96 to eliminate the eight hour work requirement by part-time golf staff to qualify for use of a cart at no cost. The motion died for lack of a second.

Comm. Nash inquired about rotating the use of Crosswinds Golf Course among all the local high schools and not just for use by Bowling Green High School. Mr. Jeffers explained that they have tried to accommodate the other high schools at both of the 9-hole courses, but that limited play had been initially set up at Crosswinds. Mr. Gouvas noted that an agreement was set up with Bowling Green High to use the 18-hole course since the City was using the school's pool. Comm. Denning expressed concern with making changes that would adversely affect the City's relationship with Bowling Green High. However, he agreed that the City should develop programs to encourage more young golfers. Comm. Nash made a motion amend Municipal Order No. 2008 - 96 to operate a rotating schedule at Crosswinds among the high schools starting next year. Comm. Denning seconded that motion. City Attorney Gene Harmon opined that this amendment should be addressed separately from the fee schedule. Upon further clarification of the amendment, Comm. Denning withdrew his second to the motion. Therefore, the motion to amend died for lack of second.

Once all discussion concluded, a roll call vote was taken on the Municipal Order as originally recommended.

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

Voting Nay: None

Municipal Order No. 2008 - 96 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2008 - 97

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. 2008 - 97 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 specified that the donation would expand the Parks and Recreation camp program to

adults 18 years and older. Recreation Division Manager Brent Belcher noted that the participants could continue to attend the camp up to age 30. Parks and Recreation Director Ernie Gouvas commented about the program development. Mayor Walker thanked the foundation for its donation. With no further discussion, a roll call vote was taken.

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

Voting Nay: None

Municipal Order No. 2008 - 97 was approved by unanimous vote.

Commissioner Wilkerson recognized Ernie Gouvas for his championship win at the recent disc golf tournament held in Bowling Green.

MUNICIPAL ORDER NO. 2008 - 98

MUNICIPAL ORDER APPROVING CONSTRUCTION AND
ACCEPTING MAINTENANCE OF VARIOUS STREETS IN
CREEKWOOD VILLAGE SUBDIVISION

Summary of Municipal Order No. 2008 - 98 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 approval of this item and the next two items on the agenda related to the acceptance of street maintenance by the City. Public Works Director Emmett Wood responded to questions regarding storm drainage inspection and compliance prior to recommending approval of maintenance. Mayor Walker asked for additional discussion, and with none, a roll call vote was taken.

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

Voting Nay: None

Municipal Order No. 2008 - 98 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2008 - 99

MUNICIPAL ORDER APPROVING CONSTRUCTION AND
ACCEPTING MAINTENANCE OF VARIOUS STREETS IN
SHIRLEY BASHAM SUBDIVISION

Summary of Municipal Order No. 2008 - 99 was read by the Assistant City Manager/City Clerk. Motion was made by Wilkerson and seconded by Strow for consideration of said Municipal Order. Mayor Walker asked for discussion, and with none, a roll call vote was taken.

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

Voting Nay: None

Municipal Order No. 2008 - 99 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2008 - 100

MUNICIPAL ORDER APPROVING CONSTRUCTION AND
ACCEPTING MAINTENANCE OF VARIOUS STREETS IN
FIELDSTONE FARMS SUBDIVISION SECTION THREE

Summary of Municipal Order No. 2008 - 100 was read by the Assistant City Manager/City Clerk. Motion was made by Wilkerson and seconded by Strow for consideration of said Municipal Order. Comm. Wilkerson requested that Public Works staff inspect the drainage structures during rainy weather to determine if minimum standards of operation are being met before accepting maintenance. Public Works Director Emmett Wood reviewed the process used to assess adequate operation of drainage structures, which included a one year construction warranty.

There was further discussion regarding the level of rain at which inspection should occur and whether the one year warranty offered sufficient time to assess the structure. Comm. Strow remarked that the one year warranty was sufficient to him to see if the drainage structure worked properly. Comm. Nash agreed with Comm. Wilkerson that the structures should be inspected on a rainy day before being accepted for maintenance by the City. Comm. Denning indicated that the one year warranty was a good benchmark. Mayor Walker expressed concern with establishing a policy without adequate benchmarks for staff to follow. DeFebbo indicated that he and Mr. Wood would look into the situation further to see how the inspection process could be adjusted. Once all discussion ended, a roll call vote was taken.

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

Municipal Order No. 2008 - 100 was approved by unanimous vote.

ORDINANCE NO. BG2008 - 19

(First Reading)

ORDINANCE AMENDING CODE OF ORDINANCES

**ORDINANCE AMENDING CHAPTER 2 (ADMINISTRATION) OF
THE CITY OF BOWLING GREEN CODE OF ORDINANCES TO
INCREASE THE SALARY FOR ELECTED OFFICIALS AS
RECOMMENDED BY THE ELECTED OFFICIALS SALARY TASK
FORCE**

Mayor Walker announced that Ordinance No. BG2008 - 19 was withdrawn from the agenda.

CLOSED SESSION

Following a brief recess to clear the Commission Chamber, the Board of Commissioners met in closed session pursuant to KRS 61.810 (b), (c) and (g), at approximately 8:40 p.m., 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 10:20 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) potential 6th and 7th Avenues connector; 2) traffic calming program and specifically the process by which speed humps, bumps and tables should be considered; and 3) private retention area maintenance. Regarding traffic calming, City Manager Kevin DeFebbo suggested that additional research be done to determine how other cities have addressed the issue of banning speed humps, bumps and tables and to present that information at a future work session so that citizens could weigh in on the subject as well. There was consensus reached by the Board to consider a recommendation by the City Manager regarding how to address unkempt private retention basins.

ADOPTED: _____

APPROVED: _____
Mayor, Chairman of Board of Commissioners

ATTEST: _____
City Clerk

Minutes prepared by Assistant City Manager/City Clerk Katie Schaller