

**MINUTES of REGULAR MEETING
of the BOARD of COMMISSIONERS
of the CITY of BOWLING GREEN, KENTUCKY
held AUGUST 7, 2007**

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 August 7, 2007. 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.

CITY MANAGER

City Manager Kevin D. DeFebbo requested a closed session for the purpose of discussion between the City and a representative of business entities and for discussion concerning a specific proposal, as open discussion would jeopardize the siting, retention, expansion or upgrading of the business. Motion was made by Nash and seconded by Strow to convene in closed session following the regular meeting pursuant to KRS 61.810 (g). Walker called for roll call vote.

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

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

Mr. DeFebbo announced that the City of Bowling Green received notification from the Kentucky League of Cities (KLC) that the City had experienced superior workers compensation performance over the past year and was provided a \$45,000 discount in its premium payment.

WATER SHORTAGE ALERT

Mayor Walker announced that she and Warren County Judge Executive Michael Buchanon declared a Water Shortage Alert at the request of Bowling Green Municipal Utilities (BGMU) and Warren County Water District (WCWD). She stated that the alert called for residential and commercial customers to eliminate the waste of all treated water outside of buildings and that the following schedule for usage was in effect as of this date and until conditions made it no longer necessary: 1) outside use for addresses ending in an odd number was limited to Tuesdays, Thursdays and Saturdays; and 2) outside use for addresses ending in an even number was limited to Wednesdays, Fridays and Sundays. She further noted that any person who violated this policy would be subject to a fine not to exceed \$250, with each day constituting a separate offense.

APPROVAL OF MINUTES

Minutes of Regular Meeting July 17, 2007 and Special Meeting July 31, 2007

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 Strow to approve said minutes as written. Mayor Walker asked for discussion, and with none, a roll call vote was taken.

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

Motion to approve the minutes of the regular meeting of July 17, 2007 and special meeting of July 31, 2007 was approved by majority vote. Comm. Nash abstained since he was not in attendance at the July 17, 2007 meeting.

PUBLIC COMMENTS

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

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. 2007 – 239

MUNICIPAL ORDER AUTHORIZING THE ACCEPTANCE OF A GRANT FROM THE GOVERNORS OFFICE FOR LOCAL DEVELOPMENT FOR THE KENTUCKY BODY ARMOR PROGRAM IN THE AMOUNT OF \$3,972

MUNICIPAL ORDER NO. 2007 – 240

MUNICIPAL ORDER APPROVING AND AUTHORIZING REIMBURSEMENT OF OUT-OF-TOWN TRAVEL EXPENSES TO MAYOR ELAINE N. WALKER TO ATTEND THE U. S. CONFERENCE OF MAYORS 75TH ANNUAL MEETING IN LOS ANGELES, CALIFORNIA

MUNICIPAL ORDER NO. 2007 – 241

MUNICIPAL ORDER APPROVING AND AUTHORIZING OUT-OF-TOWN TRAVEL EXPENSES FOR MAYOR ELAINE N. WALKER TO RECEIVE PRESERVE AMERICA AND THE CONGRESSIONAL HISTORIC PRESERVATION CAUCUS GRANT AWARD FOR THE CITY OF BOWLING GREEN IN WASHINGTON, D.C.

Motion was made by Wilkerson and seconded by Denning 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

MUNICIPAL ORDER NO. 2007 - 242

MUNICIPAL ORDER APPROVING THE PROMOTIONS OF MELANIE ANN WATTS TO THE POSITION OF POLICE CAPTAIN, AND CHARLES D. CASEY AND DAVID SHANE WEST TO THE POSITION OF POLICE SERGEANT IN THE POLICE DEPARTMENT

Summary of Municipal Order No. 2007 - 242 was read by the Assistant City Manager/City Clerk. Motion was made by Wilkerson and seconded by Nash for consideration of said Municipal Order. Police Chief Doug Hawkins reviewed the qualifications for the recommended promotions. 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. 2007 - 242 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2007 - 243

MUNICIPAL ORDER APPROVING THE PROBATIONARY APPOINTMENT OF TAMMY RENEE BRITT TO THE POSITION OF POLICE OFFICER IN THE POLICE DEPARTMENT

Summary of Municipal Order No. 2007 - 243 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 the qualifications for the recommended appointment, who was a certified Police Officer with the City of Russellville. 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. 2007 - 243 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2007 - 244

MUNICIPAL ORDER AUTHORIZING AND ACCEPTING BID #2008-03 FOR GREENWOOD FIRE STATION CONSTRUCTION MANAGER FROM ALLIANCE CORPORATION OF GLASGOW, KENTUCKY IN THE AMOUNT OF \$195,000

Summary of Municipal Order No. 2007 - 244 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 reviewed the bid process and recommended bid award. 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. 2007 - 244 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2007 – 245

MUNICIPAL ORDER AUTHORIZING AND ACCEPTING BID #2007-78 FOR THE CENTER STREET LOOP TRAIL FROM SCOTT & MURPHY, INC. OF BOWLING GREEN, KENTUCKY IN THE AMOUNT OF \$203,280

Summary of Municipal Order No. 2007 - 245 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 stated that this project was related to one of the City’s Strategic Plan goals for improved livability in the downtown area. He reviewed the bid process and recommended the bid award which was for a portion of the River Walk Park to Sugar Maple Square Loop project.

Mayor Walker informed the Board that the Greenways Commission adopted a minor modification to the project at its August 6, 2007 meeting. She explained that due to some obstacles with electrical lines and an existing tree, a portion of the loop would be delayed to determine if a shared use path, as planned, would be financially feasible or if installation of a sidewalk would be more cost effective. Once all discussion ended, a roll call vote was taken.

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

Municipal Order No. 2007 - 245 was approved by majority vote. Comm. Denning abstained since he was employed by Scott & Murphy, Inc.

MUNICIPAL ORDER NO. 2007 – 246

MUNICIPAL ORDER DECLARING PROPERTY LOCATED AT 321 CHESTNUT STREET SURPLUS AND AUTHORIZING CONVEYANCE OF THIS PROPERTY TO HOUSING ASSISTANCE AND DEVELOPMENT SERVICES, INC.

Summary of Municipal Order No. 2007 - 246 was read by the Assistant City Manager/City Clerk. Motion was made by Strow and seconded by Wilkerson for consideration of said Municipal Order. DeFebbo explained that with the second phase of Lee Square, sixteen additional houses would be developed and one of those houses would be built on this property. Housing and Community Development Director Alice Burks responded to questions regarding the type of design used for this location, which was also located in an historic district. 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. 2007 - 246 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2007 - 247

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. 2007 - 247 was read by the Assistant City Manager/City Clerk. Motion was made by Denning and seconded by Wilkerson for consideration of said Municipal Order. DeFebbo indicated that this was a contract for continued Community Development Block Grant (CDBG) funding. 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. 2007 - 247 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2007 - 248

MUNICIPAL ORDER AUTHORIZING AN AGREEMENT
BETWEEN THE CITY OF BOWLING GREEN AND THE HOUSING
FUND INC.

Summary of Municipal Order No. 2007 - 248 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 explained that the Nashville Housing Fund, with assistance from CDBG funding, was locating a satellite office in Bowling Green and changing its name to The Housing Fund. Housing and Community Development Director Alice Burks provided an update on The Housing Fund's progress with opening its office and establishing an investment fund with participation from local banks. 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. 2007 - 248 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2007 - 249

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. 2007 - 249 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 agreement was a continuation of a strategy for revitalizing downtown by encouraging small business development with funds provided from CDBG monies. 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. 2007 - 249 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2007 - 250

MUNICIPAL ORDER AUTHORIZING AN AGREEMENT
BETWEEN THE CITY OF BOWLING GREEN AND LIVE THE
DREAM, INC. FOR A RENTAL CONVERSION PROGRAM

Summary of Municipal Order No. 2007 - 250 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 indicated that this program would assist with converting rental units to single family homes, which would increase owner occupied housing stock in the City. 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. 2007 - 250 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2007 - 251

MUNICIPAL ORDER AUTHORIZING CREATION OF A TASK
FORCE TO REVIEW AND MAKE RECOMMENDATIONS
RELATED TO ELECTED OFFICIAL COMPENSATION AND
APPROVING THE APPOINTMENT OF FIVE CITY RESIDENTS TO
THE TASK FORCE

Summary of Municipal Order No. 2007 - 251 was read by the Assistant City Manager/City Clerk. Motion was made by Nash and seconded by Denning for consideration of said Municipal Order. Mayor Walker indicated that the City had conducted several pay studies in the past, but none of which included elected official pay. She stated that she felt uncomfortable with this Board making recommendations for its own pay, and instead recommended that a task force be created to examine the issue over a 90-day period. She noted that the task force would present its recommendation to the Board for further consideration. Mayor Walker asked for additional discussion, and with none, a roll call vote was taken.

ROLL CALL: Voting Yea: Nash, Strow, Denning and Walker
 Voting Nay: Wilkerson
Municipal Order No. 2007 - 251 was approved by majority vote.

MUNICIPAL ORDER NO. 2007 - 252

MUNICIPAL ORDER AUTHORIZING AND APPROVING THE
ANNUAL DUES PAYMENT IN THE AMOUNT OF \$26,745 TO
BARREN RIVER AREA DEVELOPMENT DISTRICT (BRADD) FOR
FISCAL YEAR 2008

Summary of Municipal Order No. 2007 - 252 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 indicated that this was a budgetary housekeeping item. 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. 2007 - 252 was approved by unanimous vote.

ORDINANCE NO. BG2007 - 34
(First Reading)
ORDINANCE REZONING REAL ESTATE

ORDINANCE REZONING A TRACT OF LAND CONTAINING
0.4511 ACRE FROM RM-2 (TWO-FAMILY RESIDENTIAL) TO GB
(GENERAL BUSINESS) LOCATED ON HIGH STREET, WITH
BINDING ELEMENTS, PRESENTLY OWNED BY MICHAEL O.
AND ELLEN BUCHANON AND SHELDON FAMILY, LLC AS
CONTRACT VENDEE

Title and summary of Ordinance No. BG2007 - 34 was read by the Assistant City Manager/City Clerk. Motion was made by Denning and seconded by Strow for first reading of said Ordinance. City-County Planning Commission Director Steve Hunter provided an overview of 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: Nash, Strow, Denning and Walker
 Voting Nay: None
 Abstaining: Wilkerson

First reading of Ordinance No. BG2007 - 34 was approved by majority vote. Comm. Wilkerson abstained since he was involved in this project with his previous employment.

ORDINANCE NO. BG2007 - 35
(First Reading)
ORDINANCE AMENDING ZONING ORDINANCE

ORDINANCE AMENDING ARTICLES 2.6, 3.17, 4.9.4 AND
APPENDIX A-EXHIBIT E 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. BG2007 - 35 was read by the Assistant City Manager/City Clerk. Motion was made by Strow and seconded by Nash for first reading of said Ordinance. City-County Planning Commission Director Steve Hunter reviewed the recommended text amendment to the Zoning Ordinance which would adjust the boundary of the University District Overlay. He responded to questions regarding notice to adjacent property owners and the location of a sorority house within this new boundary. 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. BG2007 - 35 was approved by unanimous vote.

ORDINANCE NO. BG2007 - 36

(First Reading)

ORDINANCE AMENDING CODE OF ORDINANCES

ORDINANCE AMENDING CHAPTER 21 (STREETS AND
SIDEWALKS) OF THE CITY OF BOWLING GREEN CODE OF
ORDINANCES RELATED TO THE REGULATION OF
STORMWATER DISCHARGES

Title and summary of Ordinance No. BG2007 - 36 was read by the Assistant City Manager/City Clerk. Motion was made by Nash and seconded by Wilkerson for first reading of said Ordinance. DeFebbo explained that the City was required to follow federal regulations with regard to stormwater discharges. He also noted that this item was previously discussed at the July 17, 2007 work session. 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. BG2007 - 36 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2007 - 253

MUNICIPAL ORDER ACCEPTING AND ADOPTING REVISIONS
TO THE STORMWATER BEST MANAGEMENT PRACTICES
MANUAL, 2007 EDITION

Summary of Municipal Order No. 2007 - 253 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 this item was also previously discussed at the July 17, 2007 work session and that it went along with the recommended changes included in Ordinance No. BG2007-36. 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. 2007 - 253 was approved by unanimous vote.

CLOSED SESSION

Following a brief recess to clear the Commission Chamber, the Board of Commissioners met in closed session pursuant to KRS 61.810 (g) as previously approved.

RECONVENE IN OPEN SESSION

Once all discussion concluded in closed session, the Board of Commissioners reconvened in

open session to consider action. Motion was made by Denning and seconded by Wilkerson to add Municipal Order Nos. 2007 - 254 and 2007 - 255 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 Nos. 2007 - 254 and 2007 - 255 to the agenda was approved by unanimous vote.

MUNICIPAL ORDER NO. 2007 - 254

MUNICIPAL ORDER APPROVING A JOB DEVELOPMENT
INCENTIVE FUND EMPLOYEE WITHHOLDINGS CREDIT
AGREEMENT WITH LORD CORPORATION

Summary of Municipal Order No. 2007 - 254 was read by the Assistant City Manager/City Clerk. Motion was made by Denning 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: Nash, Strow, Wilkerson, Denning and Walker
 Voting Nay: None

Municipal Order No. 2007 - 254 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2007 - 255

MUNICIPAL ORDER APPROVING A JOB DEVELOPMENT
INCENTIVE FUND EMPLOYEE WITHHOLDINGS CREDIT
AGREEMENT WITH KERR GROUP INC.

Summary of Municipal Order No. 2007 - 255 was read by the Assistant City Manager/City Clerk. Motion was made by Denning 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: Nash, Strow, Wilkerson, Denning and Walker
 Voting Nay: None

Municipal Order No. 2007 - 255 was approved by unanimous vote.

ADJOURNMENT

There being no further business to come before the Board of Commissioners, at approximately 8:00 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 subject: a proposed smoking regulation ordinance.

ADOPTED: _____

APPROVED: _____
Mayor, Chairman of Board of Commissioners

ATTEST: _____
City Clerk

Minutes prepared by Assistant City Manager/City Clerk Katie Schaller