

**MINUTES of REGULAR MEETING
of the BOARD of COMMISSIONERS
of the CITY of BOWLING GREEN, KENTUCKY
held OCTOBER 21, 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 October 21, 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 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.

ANNOUNCEMENTS

Mayor Walker announced that the City was recently recognized by the U.S. Department of Housing and Urban Development (HUD) as one of the top ten communities in the nation for our efforts in the National Call to Action for Regulatory Reform.

Commissioner Wilkerson reminded everyone of the Veterans Day Parade to take place on Saturday, November 8, 2008 and that Police Captain Brett Hightower, who had recently returned from serving in Afghanistan, would be the Grand Marshall.

As a follow up to some questions asked at the October 7, 2008 work session, Commissioner Nash reported that this year's Leaf Pick-up schedule, including additional information regarding the program, was available and posted on the City's website.

CITY MANAGER

City Manager Kevin D. DeFebbo requested a closed session for the purpose of proposed litigation on behalf of the City. Motion was made by Wilkerson and seconded by Nash to convene in closed session following the regular meeting pursuant to KRS 61.810 (c). 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 (c) was approved by unanimous vote.

APPROVAL OF MINUTES

Minutes of Special Meeting September 29, 2008, Regular Meeting October 7, 2008 and Special Meeting October 13, 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: Nash, Strow, Wilkerson, Denning and Walker
Voting Nay: None

Motion to approve the minutes of the special meeting of September 29, 2008, regular meeting of October 7, 2008 and special meeting of October 13, 2008 was approved by unanimous vote.

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. 2008 - 252

MUNICIPAL ORDER AUTHORIZING THE ACCEPTANCE OF A GRANT FROM THE GOVERNOR'S HIGHWAY SAFETY PROGRAM IN THE AMOUNT OF \$7,500

MUNICIPAL ORDER NO. 2008 - 253

MUNICIPAL ORDER AUTHORIZING THE ACCEPTANCE OF A GRANT FROM THE U.S. DEPARTMENT OF JUSTICE, OFFICE OF JUSTICE PROGRAMS, BUREAU OF JUSTICE ASSISTANCE FOR 2008 EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT (JAG) FUNDS IN THE AMOUNT OF \$12,887

MUNICIPAL ORDER NO. 2008 - 254

MUNICIPAL ORDER APPROVING CONSTRUCTION AND ACCEPTING MAINTENANCE OF VARIOUS STREETS IN GREYSTONE SUBDIVISION, SECTION THREE

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

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

REGULAR AGENDA

ORDINANCE NO. BG2008 - 55
(Second Reading)

ORDINANCE CLOSING A PUBLIC RIGHT-OF-WAY

ORDINANCE APPROVING THE CLOSING OF A PORTION OF
TURNER COURT

Title and summary of Ordinance No. BG2008 - 55 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: Nash, Strow, Wilkerson, Denning and Walker
Voting Nay: None

Ordinance No. BG2008 - 55 was adopted by unanimous vote.

ORDINANCE NO. BG2008 - 56

(Second Reading)

ORDINANCE REZONING REAL ESTATE

ORDINANCE REZONING A TRACT OF LAND CONTAINING 2.59
ACRES FROM AG (AGRICULTURE) TO RE (RESIDENTIAL
ESTATE) LOCATED AT 1429 MT. AYR CIRCLE, PRESENTLY
OWNED BY ED AND MARY C. BAUMGARTNER

Title and summary of Ordinance No. BG2008 - 56 was read by the Assistant City Manager/City Clerk. Motion was made by Wilkerson and seconded by Nash for second reading of said Ordinance. Mayor Walker asked for discussion, and with none, a roll call vote was taken.

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

Ordinance No. BG2008 - 56 was adopted by unanimous vote.

ORDINANCE NO. BG2008 - 57

(Second Reading)

ORDINANCE REZONING REAL ESTATE

ORDINANCE REZONING SEVERAL TRACTS OF LAND
CONTAINING 10.9790 ACRES FROM RS-1A (SINGLE FAMILY
RESIDENTIAL) TO PUD (PLANNED UNIT DEVELOPMENT)
LOCATED AT THE INTERSECTION OF SMALLHOUSE ROAD
AND CAVE MILL ROAD, WITH BINDING ELEMENTS,
PRESENTLY OWNED BY LEE AND JOANN COLEMAN AND
FOUNDATION CHRISTIAN ACADEMY WITH GARY KECKLEY,
GOODWORKS UNLIMITED, LLC AS CONTRACT VENDEE

Title and summary of Ordinance No. BG2008 - 57 was read by the Assistant City Manager/City Clerk. Motion was made by Wilkerson and seconded by Nash for second reading of said Ordinance. Mayor Walker asked for discussion, and with none, a roll call vote was taken.

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

Ordinance No. BG2008 - 57 was adopted by unanimous vote.

MUNICIPAL ORDER NO. 2008 - 255

MUNICIPAL ORDER APPROVING THE PROBATIONARY APPOINTMENT OF JEFFERY LYNN WOODS TO THE POSITION OF CARPENTER IN THE PARKS AND RECREATION DEPARTMENT

Summary of Municipal Order No. 2008 - 255 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 position opening and the qualifications of the recommended applicant. 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. 2008 - 255 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2008 - 256

MUNICIPAL ORDER APPROVING THE PROBATIONARY APPOINTMENT OF ANH CAO NGUYEN TO THE POSITION OF STAFF ACCOUNTANT IN THE FINANCE DEPARTMENT

Summary of Municipal Order No. 2008 - 256 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 position opening and the qualifications of the recommended applicant. 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. 2008 - 256 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2008 - 257

MUNICIPAL ORDER APPROVING THE PROBATIONARY APPOINTMENTS OF JONATHAN TYLER ANGEL AND JOSEPH KENNETH BORDERS TO THE POSITION OF POLICE OFFICER IN THE POLICE DEPARTMENT

Summary of Municipal Order No. 2008 - 257 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 with these two appointments, the Police Department would be at full compliment. He also reviewed the individual qualifications of the recommended applicants. 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. 2008 - 257 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2008 - 258

MUNICIPAL ORDER AUTHORIZING AND ACCEPTING BID #2008-48 FOR POLICE AND FIRE UNIFORMS FROM BLUEGRASS UNIFORMS OF BOWLING GREEN, KENTUCKY AND NAT'S OUTDOOR SPORTS OF BOWLING GREEN, KENTUCKY AT A TOTAL UNIT COST OF \$15,349.53

Summary of Municipal Order No. 2008 - 258 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 annual process to bid uniforms for public safety personnel and recommended the bid awards. Purchasing Agent Jennifer Portmann explained that the recommendation was to award the lowest complete bid by group category. 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. 2008 - 258 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2008 - 259

MUNICIPAL ORDER AUTHORIZING AND ACCEPTING BID #2009-06 FOR FISCAL YEAR 2009 SIDEWALK REHABILITATION FROM CHARLES DEWEESE CONSTRUCTION, INC. OF FRANKLIN, KENTUCKY IN THE AMOUNT OF \$122,252

Summary of Municipal Order No. 2008 - 259 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 bid award to replace approximately 4,500 feet of existing sidewalks, curb and gutter. 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. 2008 - 259 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2008 - 260

MUNICIPAL ORDER APPROVING A CONTRACT THROUGH NONCOMPETITIVE NEGOTIATIONS WITH OFFICEWARE OF LOUISVILLE, KENTUCKY UNDER THE KENTUCKY STATE PRICING CONTRACT FOR THE PURCHASE OF FOUR (4) LANIER COPIERS IN THE TOTAL AMOUNT OF \$55,564.40

Summary of Municipal Order No. 2008 - 260 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 replacement of the four highest volume copiers. 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. 2008 - 260 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2008 - 261

MUNICIPAL ORDER AUTHORIZING THE HOUSING AUTHORITY OF BOWLING GREEN TO RETAIN THE CITY'S PORTION OF THE PAYMENT IN LIEU OF TAXES (PILOT) FOR THE 2007 AND 2008 TAX YEARS IN THE AMOUNT OF \$40,571

Summary of Municipal Order No. 2008 - 261 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 reviewed the request by the Housing Authority to retain these funds for its after school programs. Katie Miller of the Housing Authority of Bowling Green responded to questions about youth participants from outside the Housing Authority and the ability to accept referrals. 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. 2008 - 261 was approved by unanimous vote.

ORDINANCE NO. BG2008 - 58

(First Reading)

ORDINANCE RELATING TO BUDGET AMENDMENT

ORDINANCE APPROVING AMENDMENT NUMBER ONE TO THE CITY OF BOWLING GREEN, KENTUCKY ANNUAL OPERATING BUDGET FOR FISCAL YEAR 2009

Title and summary of Ordinance No. BG2008 - 58 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 indicated that as part of the management of the annual budget, periodic amendments to adjust revenues and expenditures was necessary. 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. BG2008 - 58 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2008 - 262

MUNICIPAL ORDER APPROVING AND AUTHORIZING OUT-OF-TOWN TRAVEL EXPENSES FOR MAYOR ELAINE N. WALKER TO ATTEND THE NATIONAL LEAGUE OF CITIES LEADERSHIP SUMMIT IN WELCHES, OREGON

Summary of Municipal Order No. 2008 - 262 was read by the Assistant City Manager/City Clerk. Motion was made by Strow and seconded by Nash for consideration of said Municipal Order.

Mayor Walker stated all of the expenses would be reimbursed back to the City by the Kentucky League of Cities. With no further discussion, a roll call vote was taken.

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

Municipal Order No. 2008 - 262 was approved by majority vote.

MUNICIPAL ORDER NO. 2008 - 263

**MUNICIPAL ORDER APPROVING ACQUISITION OF PROPERTY
LOCATED AT 210 DOUBLE SPRINGS ROAD**

Summary of Municipal Order No. 2008 - 263 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 explained that this property would be used to create a better storm drainage structure to address issues in the area as part of the sidewalk project being completed. Public Works Director Emmett Wood indicated that this project would assist with stormwater management, but not specifically address stormwater quality. Comm. Denning commented about the need to address drainage issues along Double Springs Road. Following the discussion, a roll call vote was taken.

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

Municipal Order No. 2008 - 263 was approved by unanimous vote.

ORDINANCE NO. BG2008 - 59

(First Reading)

ORDINANCE REZONING REAL ESTATE

**ORDINANCE REZONING A TRACT OF LAND CONTAINING 0.17
ACRE FROM RS-1A (SINGLE FAMILY RESIDENTIAL) TO OP-R
(OFFICE PROFESSIONAL-RESIDENTIAL) LOCATED AT 1206
HERRINGTON STREET, WITH BINDING ELEMENTS,
PRESENTLY OWNED BY AJ RESIDENTIAL PROPERTIES, LLC
AND JUDY TURNER**

Title and summary of Ordinance No. BG2008 - 59 was read by the Assistant City Manager/City Clerk. Motion was made by Wilkerson and seconded by Strow for first reading of said Ordinance. City-County Planning Commission Senior Planner Jonathan Britt 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, Wilkerson, Denning and Walker
 Voting Nay: None

First reading of Ordinance No. BG2008 - 59 was approved by unanimous vote.

ORDINANCE NO. BG2008 - 60

(First Reading)

ORDINANCE AMENDING CODE OF ORDINANCES

ORDINANCE AMENDING CHAPTER 2 (ADMINISTRATION) OF
THE CITY OF BOWLING GREEN CODE OF ORDINANCES
RELATING TO RESIDENCY REQUIREMENTS FOR BOARD AND
COMMISSION APPOINTEES

Title and summary of Ordinance No. BG2008 - 60 was read by the Assistant City Manager/City Clerk. Motion was made by Walker and seconded by Nash for first reading of said Ordinance. Mayor Walker stated this item was discussed during the work session. She encouraged anyone who had any comments or questions about the change in policy to add the ability to open appointments up to individuals who work in the City and not just reside in the City to contact an elected official before the second reading of the ordinance which was scheduled for November 18, 2008. Comm. Nash reiterated that it was the vote at the second reading that counted. Once discussion ended, a roll call vote was taken.

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

First reading of Ordinance No. BG2008 - 60 was approved by majority vote.

ORDINANCE NO. BG2008 - 61
(First Reading)

ORDINANCE AMENDING CODE OF ORDINANCES

ORDINANCE AMENDING CHAPTER 2 (ADMINISTRATION) OF
THE CITY OF BOWLING GREEN CODE OF ORDINANCES TO
CREATE NEW PROVISIONS RELATED TO TRAVEL
REIMBURSEMENT FOR THE BOARD OF COMMISSIONERS

Mayor Walker withdrew Ordinance No. BG2008 - 61 from consideration.

CLOSED SESSION

Following a brief recess to clear the Commission Chamber and at approximately 7:35 p.m., the Board of Commissioners met in closed session pursuant to KRS 61.810 (c) 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 8:40 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 update of the Standard Oil Building Rehabilitation and Preservation, including a proposal to use remaining Community Development Block Grant (CDBG) funds to add historic features to the site; 2) an overview of Greenwood Lane Realignment Project; 3) Ordinance

No. BG2008-60 providing for revisions to Chapter 2 (Administration), Section 2-1.09 relating to residency requirements for board and commission appointees; and 4) proposed revisions to Chapter 9 (Crimes and Offenses) of the City of Bowling Green Code of Ordinances, covering Sections 9-1.01 to 9-1.25 at this time. Regarding the Standard Oil Building proposal to purchase and install additional historical features on the site, there was consensus by the Board to pursue approval from the Department for Local Government (formerly Governor's Office for Local Development) for the use of remaining CDBG funds.

ADOPTED: _____

APPROVED: _____
Mayor, Chairman of Board of Commissioners

ATTEST: _____
City Clerk

Minutes prepared by Assistant City Manager/City Clerk Katie Schaller