

**MINUTES of REGULAR MEETING
of the BOARD of COMMISSIONERS
of the CITY of BOWLING GREEN, KENTUCKY
held AUGUST 21, 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 21, 2007. Mayor Elaine N. Walker called the meeting to order. An invocation was given by Benny Stofer of Living Hope Baptist 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 Brian K. Strow, Commissioner Bruce Wilkerson, Commissioner Joe W. Denning, Commissioner Brian "Slim" Nash and Mayor Elaine N. Walker. Absent: none. There was a full quorum of the Board of Commissioners.

OPERATION P.R.I.D.E. AWARDS

Operation P.R.I.D.E. Executive Director Karen Hume said that awards are presented to those that have made significant improvements to residential and non-residential property. For the month of August, Ms. Hume presented a combined commercial and residential award to Spence Property Management for its efforts in renovating two properties located at the corner of 13th Avenue and College Street, Froggy's Restaurant and Campus Walk Apartment Complex. The award was accepted by Bruce Spence and Brent Travelsted.

SPECIAL PRESENTATION

Benny Stofer of Living Hope Baptist Church presented Fire Chief Greg Johnson with an American Flag that had been flown over the United States Capitol. Mr. Stofer explained that the Fire Department Honor Guard had performed at each of the Sunday, July 1st church services and the Church wanted to express its gratitude, which also included a monetary donation to the Fire Department.

ANNOUNCEMENTS AND RECOGNITIONS

Mayor Walker announced that the T.C. Cherry Elementary School Fred Factor Incentive Program was underway and established to reinforce the idea of going above and beyond. She recognized Harue Suzuki, a guest in the audience, who was visiting as part of a student exchange program from Kawanishi, Japan, Bowling Green's Sister City. She also announced that the Bowling Green Police Department was selling cookbooks called "Cookin' with the Cops" to raise funds for the Gary A. Raymer Scholarship Foundation.

CITY MANAGER

City Manager Kevin D. DeFebbo stated that Ordinance No. BG2007 - 38 regarding an amendment to the development of a Tax Increment Financing District was withdrawn from the agenda for further review. He also requested a closed session for the purpose of discussion between the City and a representative of business entities and discussion concerning a specific proposal, as open

discussion would jeopardize the siting, retention, expansion or upgrading of the business. Motion was made by Wilkerson and seconded by Denning 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: Strow, Wilkerson, Denning, Nash and Walker
 Voting Nay: None

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

APPROVAL OF MINUTES

Minutes of Regular Meeting August 7, 2007

Minutes of the above-referenced meeting were distributed to the Board of Commissioners with the Agenda for their review. Motion was made by Nash 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: Strow, Wilkerson, Denning, Nash and Walker
 Voting Nay: None

Motion to approve the minutes of the regular meeting of August 7, 2007 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. 2007 – 256

MUNICIPAL ORDER APPROVING THE REAPPOINTMENTS OF MITCHELL SCHOTT, PEGGY MCKILLIP AND HELEN SIEWERS TO THE BOWLING GREEN COMMUNITY TREE ADVISORY BOARD

MUNICIPAL ORDER NO. 2007 – 257

MUNICIPAL ORDER APPROVING THE APPOINTMENTS OF MIKE HUGHES AND JEREMY BRATCHER TO THE BOWLING GREEN AREA CONVENTION AND VISITORS BUREAU

MUNICIPAL ORDER NO. 2007 - 258

MUNICIPAL ORDER APPROVING THE APPOINTMENT OF JOHN PARKER TO THE CITY OF BOWLING GREEN BOARD OF ETHICS

MUNICIPAL ORDER NO. 2007 - 259

MUNICIPAL ORDER APPROVING THE REAPPOINTMENTS OF CRYSTAL A. HARDEMAN, CORA MACK, SUSAN MCKENNA AND HOWARD E. BAILEY, AND THE APPOINTMENT OF MICHAEL COLEMAN TO THE HUMAN RIGHTS COMMISSION

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

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

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

REGULAR AGENDA

ORDINANCE NO. BG2007 - 34

(Second 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 second reading of said Ordinance. Mayor Walker asked for discussion, and with none, a roll call vote was taken.

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

Ordinance No. BG2007 - 34 was adopted by majority vote. Comm. Wilkerson abstained since he was formerly involved with the development project associated with the rezoning.

ORDINANCE NO. BG2007 - 35

(Second 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 Wilkerson for second reading of said Ordinance. Mayor Walker asked for discussion, and with none, a roll call vote was taken.

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

Ordinance No. BG2007 - 35 was adopted by unanimous vote.

ORDINANCE NO. BG2007 - 36

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

Ordinance No. BG2007 - 36 was adopted by unanimous vote.

MUNICIPAL ORDER NO. 2007 - 260

MUNICIPAL ORDER APPROVING THE PROMOTION OF ELVIRA R. RAMIC TO THE POSITION OF HOUSING RECERTIFICATION SPECIALIST IN THE HOUSING AND COMMUNITY DEVELOPMENT DEPARTMENT, HOUSING DIVISION

Summary of Municipal Order No. 2007 - 260 was read by the Assistant City Manager/City Clerk. Motion was made by Nash and seconded by Strow for consideration of said Municipal Order. DeFebbo explained that with a recent retirement, the Housing Division was reorganizing and consolidating resources. Housing and Community Development Director Alice Burks reviewed the qualifications for the recommended promotion. Mayor Walker asked for additional discussion, and with none, a roll call vote was taken.

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

Municipal Order No. 2007 - 260 was approved by unanimous vote.

ORDINANCE NO. BG2007 - 37
(First Reading)
ORDINANCE AMENDING CODE OF ORDINANCES

ORDINANCE AMENDING CHAPTER 13 (HEALTH) OF THE CITY
OF BOWLING GREEN CODE OF ORDINANCES REGULATING
SMOKING IN PUBLIC PLACES AND WORK PLACES,
ESTABLISHING CIVIL FINES FOR THE VIOLATION OF THIS
ORDINANCE AND ESTABLISHING ENFORCEMENT
PROCEDURES

Title and summary of Ordinance No. BG2007 - 37 was read by the Assistant City Manager/City Clerk. Commissioner Nash withdrew the ordinance from consideration at this time and stated that he intended to bring the item back for consideration at the September 4, 2007 Board of Commissioners meeting. He explained that there were still some issues to be addressed and that a little more time was needed. However, because there were a number of individuals in attendance at the meeting and with no objections, Comm. Nash suggested that anyone who wanted to address the Board about this item would be given the opportunity. He also noted that those who chose to speak at this meeting would not be permitted to speak about the issue at the next meeting.

Commander of American Legion Post #23 Roger Miller, a resident at 208 Dishman Lane, and Commander Bill Basham of VFW Post #1298 spoke in opposition to the smoking ban. They expressed concern for the affect the ban might have on bingo events, which was their main source of revenue. In addition, Mr. Basham stated that the City should not be enforcing occupational safety and health issues of private employers.

Also speaking in opposition to the ordinance were Vince Benetti, a Western Kentucky University student, residing at 1408 College Street, Jim Manley of 1403 Melrose Street and Jim Ackzien of 3609 Richpond Road. Each commented about the right of business owners to choose how to regulate their own businesses.

Dr. Randy McCool of 2921 Crossridge Court, Tom Cannon of 169 Talbot Drive, Robert Bedard of 1243 Henry Drive and Kathy Bridgeman of 830 Glenview Way all spoke in support of the smoking ban which would limit exposure to secondhand smoke in the workplace and protect the citizens. Mr. Bedard urged the Board to take the advice of medical professionals.

Other comments regarding the smoking ordinance were made by Dave Williams of 10605 Kentucky Highway 185 and Carolyn Devore. Mr. Williams suggested that the Board wait to make a decision until there was a win/win solution that could address both sides of the issue. Ms. Devore commented about other causes of death unrelated to smoking.

MUNICIPAL ORDER NO. 2007 - 261

MUNICIPAL ORDER PROHIBITING SMOKING IN CITY OWNED
AND LEASED BUILDINGS USED FOR MUNICIPAL PURPOSES
AND IN CITY VEHICLES, AND AUTHORIZING AND DIRECTING
THE CITY MANAGER TO ESTABLISH RULES AND

REGULATIONS TO RESTRICT SMOKING IN DESIGNATED PUBLIC AREAS

Summary of Municipal Order No. 2007 - 261 was read by the Assistant City Manager/City Clerk. Motion was made by Strow and seconded by Wilkerson for consideration of said Municipal Order. Commissioner Strow explained that given the recent discussions regarding smoking hazards, he wanted to come up with something consistent with his beliefs and address an area of public facilities. Commissioner Wilkerson read a prepared statement expressing his position to not support the ordinance (BG2007 - 37) proposed by Comm. Nash. He commented about his collaboration with Comm. Strow, city staff and the Board of Park Commissioners to implement a smoke-free atmosphere on property over which the City had direct control and responsibility. With no further discussion, a roll call vote was taken.

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

Municipal Order No. 2007 - 261 was approved by unanimous vote.

NOTE: Ordinance No. BG2007 - 38 regarding amendment to Ordinance No. BG2007 - 33 which established the development area tax increment financing (TIF) district for downtown was previously withdrawn from the agenda.

MUNICIPAL ORDER NO. 2007 - 262

MUNICIPAL ORDER AUTHORIZING SOFTWARE SUBSCRIPTION SERVICES FROM NEW WORLD SYSTEMS IN THE AMOUNT OF \$56,640 FOR FISCAL YEAR 2008

Summary of Municipal Order No. 2007 - 262 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 need for on-going maintenance and recommended the services. Mayor Walker asked for additional discussion, and with none, a roll call vote was taken.

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

Municipal Order No. 2007 - 262 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2007 - 263

MUNICIPAL ORDER AUTHORIZING AND ACCEPTING BID #2008-06 FOR XIOTECH STORAGE EQUIPMENT FROM INTRASOURCE, INC. OF LEXINGTON, KENTUCKY IN THE AMOUNT OF \$184,243.56

Summary of Municipal Order No. 2007 - 263 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 one of the previous fiscal year's goals was to develop a disaster recovery system to protect the City's vulnerability of its data if a catastrophic event occurred in the downtown area. He stated that the system would eventually be located at the Greenwood Fire Station

and he recommended the bid award. Mayor Walker asked for additional discussion, and with none, a roll call vote was taken.

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

Municipal Order No. 2007 - 263 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2007 - 264

MUNICIPAL ORDER AUTHORIZING AND ACCEPTING BID #2007-28 FOR WIRELESS BROADBAND NETWORK FROM SENTINEL TECHNOLOGIES, INC. OF DOWNERS GROVE, ILLINOIS IN THE AMOUNT OF \$800,798

Summary of Municipal Order No. 2007 - 264 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 noted that this item was discussed at the earlier work session and he recommended the bid award. Comm. Strow stated that he would personally explore the possibility of making the network available to the public. Mayor Walker asked for additional discussion, and with none, a roll call vote was taken.

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

Municipal Order No. 2007 - 264 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2007 - 265

MUNICIPAL ORDER AUTHORIZING CONTRACT WITH BOWLING GREEN MUNICIPAL UTILITIES (BGMU) FOR COSTS RELATED TO THE IMPLEMENTATION OF THE CITY'S WIRELESS INFRASTRUCTURE IN THE AMOUNT OF \$265,580

Summary of Municipal Order No. 2007 - 265 was read by the Assistant City Manager/City Clerk. Motion was made by Denning and seconded by Strow for consideration of said Municipal Order. DeFebbo noted that this item was also discussed as part of the wireless presentation at the work session earlier that day. Mayor Walker asked for additional discussion, and with none, a roll call vote was taken.

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

Municipal Order No. 2007 - 265 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2007 - 266

MUNICIPAL ORDER AUTHORIZING AND ACCEPTING BID #2007-81 FOR KEREIAKES PARK TENNIS COURT REFURBISHMENT FROM SCOTT & MURPHY, INC. OF BOWLING GREEN, KENTUCKY IN THE AMOUNT OF \$351,843

Summary of Municipal Order No. 2007 - 266 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 reviewed the project and recommended the bid award. Parks and Recreation Athletics Division Manager Paul Correa pointed out that the amount listed on the Municipal Order was incorrect. Motion was made by Wilkerson and seconded by Strow to amend Municipal Order No. 2007 - 266 to correct the total purchase amount to \$352,358. A roll call vote was taken on the amendment.

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

Motion to amend Municipal Order No. 2007 - 266 was approved by majority vote. Comm. Denning abstained since he was employed by Scott & Murphy, Inc.

MUNICIPAL ORDER NO. 2007 - 266

As Amended

MUNICIPAL ORDER AUTHORIZING AND ACCEPTING BID #2007-81 FOR KEREIAKES PARK TENNIS COURT REFURBISHMENT FROM SCOTT & MURPHY, INC. OF BOWLING GREEN, KENTUCKY IN THE AMOUNT OF ~~\$351,843~~ 352,358

With no further discussion, a roll call vote was taken on the Municipal Order as amended.

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

Municipal Order No. 2007 - 266 as amended was approved by majority vote.

MUNICIPAL ORDER NO. 2007 - 267

MUNICIPAL ORDER APPROVING GRANT AGREEMENT FOR FEDERAL ASSISTANCE FOR THE BOWLING GREEN - WARREN COUNTY REGIONAL AIRPORT WITH THE FEDERAL AVIATION ADMINISTRATION TO REHABILITATE RUNWAY 3-21 LIGHTING (AND ASSOCIATED TAXIWAYS) PHASE I, AUTHORIZING AND DIRECTING THE MAYOR TO EXECUTE THE GRANT AGREEMENT ON BEHALF OF THE CITY OF BOWLING GREEN AND AUTHORIZING PAYMENT OF THE CITY'S COST SHARE IN THE AMOUNT OF \$8,552.50

Summary of Municipal Order No. 2007 - 267 was read by the Assistant City Manager/City Clerk. Motion was made by Strow and seconded by Denning for consideration of said Municipal Order. DeFebbo reviewed the request by the Airport Board to redirect Fiscal Year 2008 appropriated grant funds of \$3,750 toward the replacement of the runway lights due to recent damage caused by lightning strikes. He noted that the additional \$4,802.50 requested would be provided from the City Manager's contingency account. Mayor Walker asked for additional discussion, and with none, a roll call vote was taken.

ROLL CALL: Voting Yea: Strow, Wilkerson, Denning, Nash and Walker
 Voting Nay: None
Municipal Order No. 2007 - 267 was approved by unanimous vote.

ORDINANCE NO. BG2007 - 39
(First Reading)
ORDINANCE RENAMING STREET

ORDINANCE APPROVING THE RENAMING OF A PORTION OF
WESTEN STREET TO CHRISTIAN CARE WAY

Title and summary of Ordinance No. BG2007 - 39 was read by the Assistant City Manager/City Clerk. Motion was made by Strow and seconded by Wilkerson for first reading of said Ordinance. DeFebbo reviewed the recommended name change requested as a result of the realignment of Westen Street. Mayor Walker commented about the public/private partnership of this project. Comm. Nash clarified that the signal installation at the intersection of (new) Westen Street and Campbell Lane was anticipated to be completed following the current repaving of Campbell Lane. Mayor Walker asked for additional discussion, and with none, a roll call vote was taken.

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

First reading of Ordinance No. BG2007 - 39 was approved by unanimous vote.

ORDINANCE NO. BG2007 - 40
(First Reading)
ORDINANCE RENAMING STREET

ORDINANCE APPROVING THE RENAMING OF A PORTION OF
7TH AVENUE TO OLD 7TH AVENUE

Title and summary of Ordinance No. BG2007 - 40 was read by the Assistant City Manager/City Clerk. Motion was made by Wilkerson and seconded by Denning for first reading of said Ordinance. DeFebbo indicated that as a result of the realignment of 7th Avenue, a name change was recommended for the old portion. Mayor Walker asked for additional discussion, and with none, a roll call vote was taken.

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

First reading of Ordinance No. BG2007 - 40 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

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Municipal Order No. 2007 – 268 to the agenda for consideration. With no discussion, a roll call vote was taken.

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

Motion to add Municipal Order No. 2007 – 268 to the agenda was approved by unanimous vote.

MUNICIPAL ORDER NO. 2007 – 268

MUNICIPAL ORDER APPROVING A JOB DEVELOPMENT
INCENTIVE FUND EMPLOYEE WITHHOLDINGS CREDIT
AGREEMENT WITH GREEN INDUSTRIAL SERVICES LLC

Summary of Municipal Order No. 2007 - 268 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 additional discussion, and with none, a roll call vote was taken.

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

Municipal Order No. 2007 - 268 was approved by unanimous vote.

ADJOURNMENT

There being no further business to come before the Board of Commissioners, at approximately 8:20 p.m., Mayor Walker declared this meeting adjourned.

WORK SESSION

Prior to the regular meeting and with no action taken, the Board of Commissioners, excluding Commissioner Joe W. Denning, 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 Intermodal Transportation Authority (ITA), Inc. Fiscal Year 2006 Audit and Fiscal Year 2008 Budget; 2) the City’s Wireless Broadband Network project; and 3) the proposed Sidewalk Program priority list and guidelines.

ADOPTED: _____

APPROVED: _____
Mayor, Chairman of Board of Commissioners

ATTEST: _____
City Clerk

Minutes prepared by Assistant City Manager/City Clerk Katie Schaller