

**MINUTES of REGULAR MEETING
of the BOARD of COMMISSIONERS
of the CITY of BOWLING GREEN, KENTUCKY
held MARCH 4, 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 March 4, 2008. Mayor Elaine N. Walker called the meeting to order. An invocation was given by Mayor Walker, 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 Bruce Wilkerson, Commissioner Joe W. Denning, Commissioner Brian "Slim" Nash, Commissioner Brian K. Strow 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 of proposed or pending litigation against or on behalf of the City. Motion was made by Wilkerson and seconded by Strow 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: Wilkerson, Denning, Nash, Strow 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 Meetings February 7 and February 18, 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 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 special meetings of February 7 and February 18, 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 - 46

MUNICIPAL ORDER RATIFYING THE MAYOR'S EXECUTION OF A LAND AND WATER CONSERVATION FUND GRANT APPLICATION TO THE KENTUCKY GOVERNOR'S OFFICE FOR LOCAL DEVELOPMENT IN THE AMOUNT OF \$59,400 FOR THE FRIENDS OF LOST RIVER, INC.

MUNICIPAL ORDER NO. 2008 - 47

MUNICIPAL ORDER APPROVING THE REAPPOINTMENT OF PATSY T. SLOAN TO THE BOWLING GREEN-WARREN COUNTY REGIONAL AIRPORT BOARD

MUNICIPAL ORDER NO. 2008 - 48

MUNICIPAL ORDER APPROVING THE REAPPOINTMENTS OF RICHARD W. LORD, DARRYL L. HITCH, DAVID W. BRADY, TIMOTHY G. GEEGAN AND PHILIP DYE TO THE BUILDING CODE BOARD OF APPEAL

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: 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 - 9

(Second Reading As Amended)

ORDINANCE AMENDING CODE OF ORDINANCES

ORDINANCE AMENDING CHAPTER 25 (CODE OF ETHICS) OF THE CITY OF BOWLING GREEN CODE OF ORDINANCES RELATED TO THE REQUIRED CONFLICT OF INTEREST STATEMENTS FILED BY MEMBERS OF DESIGNATED BOARDS

Title and summary of Ordinance No. BG2008 - 9 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 - 9 as amended was adopted by unanimous vote.

ORDINANCE NO. BG2008 - 10
(Second Reading)
ORDINANCE REZONING REAL ESTATE

ORDINANCE REZONING A TRACT OF LAND CONTAINING 4.86 ACRES FROM HB (HIGHWAY BUSINESS) TO LI (LIGHT INDUSTRY) LOCATED AT 768, 772, 784, 790 AND 796 INTERSTATE DRIVE AND LOT 3, WITH BINDING ELEMENTS, PRESENTLY OWNED BY LEON AND JOHN TARTER

Title and summary of Ordinance No. BG2008 - 10 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: Wilkerson, Denning, Nash, Strow and Walker
 Voting Nay: None

Ordinance No. BG2008 - 10 was adopted by unanimous vote.

ORDINANCE NO. BG2008 - 11
(Second Reading)
ORDINANCE REZONING REAL ESTATE

ORDINANCE REZONING A TRACT OF LAND CONTAINING 2.552 ACRES FROM LI (LIGHT INDUSTRY) TO HI (HEAVY INDUSTRY) LOCATED AT THE END OF PRESTON AVENUE, WITH BINDING ELEMENTS, PRESENTLY OWNED BY BOWLING GREEN MUNICIPAL UTILITIES (BGMU) WITH REPUBLIC SERVICES OF KENTUCKY, LLC AS CONTRACT VENDEE

Title and summary of Ordinance No. BG2008 - 11 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: Wilkerson, Denning, Nash, Strow and Walker
 Voting Nay: None

Ordinance No. BG2008 - 11 was adopted by unanimous vote.

ORDINANCE NO. BG2008 - 12
(Second Reading)
ORDINANCE REZONING REAL ESTATE

ORDINANCE REZONING TWO TRACTS OF LAND CONTAINING 24.672 +/- ACRES FROM RS-1A (SINGLE FAMILY RESIDENTIAL) TO HB (HIGHWAY BUSINESS) LOCATED AT 1805 WESTEN STREET AND 2232 SMALLHOUSE ROAD, WITH BINDING ELEMENTS, PRESENTLY OWNED BY LIVING HOPE BAPTIST CHURCH AND HOLY SPIRIT PARISH OF BOWLING GREEN

Title and summary of Ordinance No. BG2008 - 12 was read by the Assistant City

Manager/City Clerk. Motion was made by Strow 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: Denning, Nash, Strow and Walker
 Voting Nay: None
 Abstaining: Wilkerson

Ordinance No. BG2008 - 12 was adopted by majority vote. Comm. Wilkerson abstained since he was a member of the Living Hope Baptist Church.

ORDINANCE NO. BG2008 - 13
(Second Reading)
ORDINANCE ANNEXING PROPERTY

ORDINANCE ANNEXING UNINCORPORATED TERRITORY
CONTAINING APPROXIMATELY 16.92 ACRES IN THE VICINITY
OF EDWARD DRIVE/CEDARWOOD WAY, WITH ALL SUCH
TERRITORY BEING CONTIGUOUS TO EXISTING CITY LIMITS

Title and summary of Ordinance No. BG2008 - 13 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: Wilkerson, Denning, Nash, Strow and Walker
 Voting Nay: None

Ordinance No. BG2008 - 13 was adopted by unanimous vote.

MUNICIPAL ORDER NO. 2008 - 49

MUNICIPAL ORDER APPROVING THE PROMOTIONS OF
MATTHEW BLANTON JONES TO THE POSITION OF COMPANY
COMMANDER AND ISAAC GEORGE ANTHONY TO THE
POSITION OF FIRE APPARATUS OPERATOR IN THE FIRE
DEPARTMENT

Summary of Municipal Order No. 2008 - 49 was read by the Assistant City Manager/City Clerk. Motion was made by Wilkerson and seconded by Nash for consideration of said Municipal Order. Fire Chief Greg Johnson reviewed the qualifications for the two recommended promotions. 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 - 49 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2008 - 50

MUNICIPAL ORDER AUTHORIZING AND ACCEPTING BID
#2008-42 FOR CHEMICALS AND FERTILIZERS FOR THE PARKS
AND RECREATION DEPARTMENT, GOLF DIVISION FROM
VARIOUS VENDORS IN THE TOTAL AMOUNT NOT TO EXCEED
\$177,753.35

Summary of Municipal Order No. 2008 - 50 was read by the Assistant City Manager/City Clerk. Motion was made by Nash and seconded by Wilkerson for consideration of said Municipal Order. DeFebbo reviewed the recommended bid awards. Mayor Walker commented that the City would only pay for the amount of product purchased as it was needed to replenish supplies and not specifically spend the total amount approved if it was not needed. Golf Course Operations Superintendent Tony Whitmer concurred. 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 - 50 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2008 - 51

**MUNICIPAL ORDER AUTHORIZING AND ACCEPTING BID
#2008-29 FOR STREET RESURFACING FROM SCOTTY'S
CONTRACTING & STONE, LLC OF BOWLING GREEN,
KENTUCKY IN THE AMOUNT OF \$868,223.20**

Summary of Municipal Order No. 2008 - 51 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 project to resurface approximately 4.18 miles of roadway and recommended the bid award. 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 - 51 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2008 - 52

**MUNICIPAL ORDER AUTHORIZING AND ACCEPTING BID
#2008-43 FOR LOVERS LANE SOCCER COMPLEX PAVING FROM
SCOTTY'S CONTRACTING & STONE, LLC OF BOWLING
GREEN, KENTUCKY IN THE AMOUNT OF \$116,711.20**

Summary of Municipal Order No. 2008 - 52 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 bid award. Parks and Recreation Director Ernie Gouvas responded that the project completion schedule depended on the reopening of the asphalt plant and weather conditions. 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 - 52 was approved by unanimous vote.

ORDINANCE NO. BG2008 - 14

(First Reading)

ORDINANCE RELATING TO BUDGET AMENDMENT

ORDINANCE APPROVING AMENDMENT NUMBER TWO TO
THE CITY OF BOWLING GREEN, KENTUCKY ANNUAL
OPERATING BUDGET FOR FISCAL YEAR 2008

Title and summary of Ordinance No. BG2008 - 14 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 recommended the amendments to the budget. 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

First reading of Ordinance No. BG2008 - 14 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2008 - 53

MUNICIPAL ORDER APPROVING AND AUTHORIZING THE
MAYOR TO EXECUTE A MOTORCYCLE LEASE AGREEMENT
WITH HARLEY-DAVIDSON BOWLING GREEN, INC. FOR LEASE
OF FOUR STANDARD POLICE PACKAGE HARLEY-DAVIDSON
MOTORCYCLES FOR THE SUM OF ONE DOLLAR (\$1.00)

Summary of Municipal Order No. 2008 - 53 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 program for its fourth 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 - 53 was approved by unanimous vote.

ORDINANCE NO. BG2008 - 15

(First Reading)

ORDINANCE APPROVING ASSIGNMENT OF LEASE

ORDINANCE APPROVING AND CONSENTING TO ASSIGNMENT
OF LEASE BY GEORGIA-PACIFIC CONSUMER PRODUCTS LP
F/K/A JAMES RIVER PAPER COMPANY, INC. TO DIXIE
CONSUMER PRODUCTS LLC

Title and summary of Ordinance No. BG2008 - 15 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 reviewed the issuance of revenue bonds from several years before and the need to approve the change in assignment. 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

First reading of Ordinance No. BG2008 - 15 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2008 - 54

MUNICIPAL ORDER APPROVING AND AUTHORIZING EXECUTION OF AN AGREEMENT WITH THE COMMONWEALTH OF KENTUCKY, TRANSPORTATION CABINET, DEPARTMENT OF HIGHWAYS FOR \$565,000 IN REIMBURSABLE FUNDING TO BE USED FOR THE REALIGNMENT OF GREENWOOD LANE FROM CYPRESS WOOD LANE UP TO US 231

Summary of Municipal Order No. 2008 - 54 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 it was a goal of the City to maximize its collaboration with public and private entities. He recommended the acceptance of the state funds for the project, but noted that the project was still under development and a final cost and possible participation from other parties had not been finalized. Mayor Walker commented about her involvement in the project. She 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 - 54 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2008 - 55

MUNICIPAL ORDER APPROVING AND AUTHORIZING EXECUTION OF AN AMENDMENT TO THE ENGAGEMENT LETTER WITH TAFT, STETTINIUS & HOLLISTER LLP FOR LEGAL AND CONSULTATION SERVICES TO THE CITY OF BOWLING GREEN RELATED TO INCENTIVES, NEGOTIATIONS AND CONTRACT DEVELOPMENT FOR DOWNTOWN REDEVELOPMENT ACTIVITIES

Summary of Municipal Order No. 2008 - 55 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 recommended that the City continue utilizing the services of Attorney Jim Parsons for assistance with the downtown economic redevelopment tax increment financing project since it was still underway. He confirmed that the services would be for the City only and at the City's request. City Attorney Gene Harmon also pointed out that it might be possible for the City to recuperate some or all of the additional costs from the bond issue for the TIF project. 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 - 55 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2008 - 56

MUNICIPAL ORDER ACCEPTING PROCEDURES FOR FUNDING OF AGENCIES DURING THE ANNUAL BUDGET PROCESS

Summary of Municipal Order No. 2008 - 56 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 procedures which were discussed at the February 18, 2008 work session and at the Board of Commissioners Strategic Goal Planning Session (retreat). Comm. Strow pointed out that the designated Contract Agencies might change in the future and were not guaranteed to be funded indefinitely. Mayor Walker expressed concern about the Central Region Innovation and Commercialization Center (ICC) having to compete for funding and not being included as a Contract Agency. DeFebbo stated he would arranged for the ICC Executive Director to come to a future work session. 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 - 56 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2008 - 57

MUNICIPAL ORDER REQUESTING THAT THE CITY-COUNTY
PLANNING COMMISSION INITIATE THE PROCESS TO PLACE
VARIOUS PROPOSED CITY ROAD PROJECTS ON THE OFFICIAL
MAP

Summary of Municipal Order No. 2008 - 57 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 Official Map Program and procedures which required a public hearing of the City-County Planning Commission. He recommended that five capital projects be considered for inclusion on the Official Map as follows:

- (1) the widening of Old Morgantown Road to include a center turn lane, two traffic lanes and bike lanes in each direction;
- (2) the widening and realignment of Smallhouse Road between Campbell Lane and Scottsville Road;
- (3) the widening and realignment of the intersection of Smallhouse Road and Cave Mill Road;
- (4) the widening of Shive Lane to a five-lane section from Ken Bale Boulevard to Middle Bridge Road and the extension of Shive Lane in a five-lane configuration across Middle Bridge Road to Lovers Lane at Searcy Way; and
- (5) the realignment of Greenwood Lane between Cypress Wood Lane and Scottsville Road

DeFebbo confirmed that each of the projects were supported by the City and at various levels of development, but that there was no commitment or obligation to finance the projects for completion at this time. 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 - 57 was approved by unanimous vote.

ORDINANCE NO. BG2008 - 16

(First Reading)

ORDINANCE CREATING AND AUTHORIZING SALE OF GAS FRANCHISE

AN ORDINANCE OF THE CITY OF BOWLING GREEN, KENTUCKY PROVIDING FOR THE CREATION AND SALE OF A NON-EXCLUSIVE FRANCHISE FOR THE PRIVILEGE OF CONSTRUCTING, TRANSPORTING, OPERATING, MAINTAINING AND DISTRIBUTING NATURAL GAS ALONG AND UNDER PUBLIC RIGHT-OF-WAY WITHIN THE CITY OF BOWLING GREEN, KENTUCKY FOR A TERM OF TEN (10) YEARS IN CONSIDERATION FOR WHICH, THE SUCCESSFUL FRANCHISEE SHALL PAY TO THE CITY AN ANNUAL SUM EQUAL TO A MINIMUM OF ONE PERCENT (1%) OF THE GROSS REVENUES DERIVED FROM THE FRANCHISE AWARDED HEREIN; AND FURTHER ESTABLISHING A BID PROCEDURE FOR THE AWARD OF SAID FRANCHISE TO THE SUCCESSFUL BIDDER

Title and summary of Ordinance No. BG2008 - 16 was read by the Assistant City Manager/City Clerk. Motion was made by Wilkerson and seconded by Strow for first reading of said Ordinance. Comm. Strow stated that although he had previously voted against the one percent franchise fee, he would support it now to keep the present arrangement the same over the next ten years and to move it forward. Comm. Denning inquired if the previous decision of the Board to provide the Welfare Center any revenues in excess of \$200,000 each year was still in effect. Mayor Walker confirmed that the previous approval of Municipal Order No. 2008 - 30 would take effect beginning in July 2008. She asked for additional discussion, and with none, a roll call vote was taken.

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

First reading of Ordinance No. BG2008 - 16 was approved by majority vote.

MUNICIPAL ORDER NO. 2008 - 58

MUNICIPAL ORDER APPROVING A LEASE AGREEMENT WITH THE TASTE OF EUROPE, LLC FOR LEASE OF A PORTION OF THE PUBLIC SIDEWALK LOCATED AT 1006 STATE STREET

Summary of Municipal Order No. 2008 - 58 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 recommended lease agreement for use of the municipal sidewalk. City Attorney Gene Harmon and Public Works Director Emmett Wood responded to questions about the available space and enforcement of the agreement. 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 - 58 was approved by unanimous vote.

RECOGNITIONS

Mayor Walker recognized members of Boy Scout Troop 79 and Western Kentucky University students who were in attendance at the meeting.

CLOSED SESSION

Following a brief recess to clear the Commission Chamber, the Board of Commissioners met in closed session pursuant to KRS 61.810 (c) at approximately 7:35 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 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 convened at 4:00 p.m. in the Commission Chamber of City Hall for a regular work session to discuss the following subjects: 1) a report by Bicycle Bowling Green regarding progress toward a Bicycle-Friendly Community; and 2) the City's Health Insurance Program.

ADOPTED: _____

APPROVED: _____
Mayor, Chairman of Board of Commissioners

ATTEST: _____
City Clerk

Minutes prepared by Assistant City Manager/City Clerk Katie Schaller