

**MINUTES of REGULAR MEETING
of the BOARD of COMMISSIONERS
of the CITY of BOWLING GREEN, KENTUCKY
held SEPTEMBER 18, 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 September 18, 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.

PUBLIC HEARING

Chief Financial Officer Jeff Meisel conducted a public hearing for the purpose of obtaining comments from citizens regarding the proposed 2007 property tax rate that was recommended to be \$0.249 per \$100 assessed property value to capture a four percent (4%) growth rate on existing real estate as permitted by HB44, which was less than the 2006 rate of \$0.255. He also stated that tax bills will be mailed out in the next few weeks and payment is due December 31, 2007. Mr. Meisel responded to a question from the Board regarding the County's proposed library tax and its effect on the City's property tax rate for next year. There were no comments from the public regarding the 2007 proposed tax rates.

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 September, Ms. Hume presented the commercial award to American Bank & Trust located at 1506 31W Bypass. The award was accepted by Bank President Tony Salyer.

CITY MANAGER

City Manager Kevin D. DeFebbo had no comments at this time.

APPROVAL OF MINUTES

Minutes of Regular Meeting September 4, 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 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: Nash, Strow, Wilkerson, Denning and Walker
 Voting Nay: None

Motion to approve the minutes of the regular meeting of September 4, 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 – 284

MUNICIPAL ORDER AUTHORIZING THE ACCEPTANCE OF A GRANT FROM THE U.S. DEPARTMENT OF JUSTICE, OFFICE OF JUSTICE PROGRAMS, BUREAU OF JUSTICE ASSISTANCE FOR EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT (JAG) FUNDS IN THE AMOUNT OF \$26,456.50

MUNICIPAL ORDER NO. 2007 – 285

MUNICIPAL ORDER APPROVING AND AUTHORIZING OUT-OF-TOWN TRAVEL EXPENSES FOR MAYOR ELAINE N. WALKER TO ATTEND THE GOVERNOR’S LOCAL ISSUES CONFERENCE, POLICY AND LOCAL DEFENSE COMMITTEE MEETING AND EXECUTIVE AND LEGISLATIVE COMMITTEE MEETINGS FOR THE CITY OF BOWLING GREEN IN LOUISVILLE, KENTUCKY

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

ORDINANCE NO. BG2007 – 37

(Second 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. Motion was made by Nash and seconded by Walker for second reading of said Ordinance. Comm. Nash opened the floor for public comments. (Martha) Sue Duncan, a county resident, spoke in support of a smoke-free community. Linda Farley of 532 Farley Road in Edmonson County expressed her opposition to the ordinance.

Although there was not a majority of the Board in favor of this ordinance based on the discussion at the previous meeting, Comm. Nash explained that he wanted the ordinance to proceed to second reading because that was the vote that counted. He declared that he would continue to do his part to protect the health and safety of the public.

Mayor Walker commented about how Bowling Green was often considered one of the most progressive cities in the Commonwealth. She expressed her disappointment that with regard to this issue, Bowling Green was taking a step backward. She also mentioned that she had been asked by some business owners to pass the ban on smoking and that she too would continue to fight to make the community safe.

Once all discussion ended, a roll call vote was taken.

ROLL CALL: Voting Yea: Nash and Walker
 Voting Nay: Strow, Wilkerson and Denning
Ordinance No. BG2007 - 37 was defeated by majority vote.

MUNICIPAL ORDER NO. 2007 - 286

MUNICIPAL ORDER APPROVING THE PROBATIONARY APPOINTMENTS OF MELINDA F. TURNHAM AND ELESTER GARDNER TO THE POSITION OF CUSTODIAN IN THE PARKS AND RECREATION DEPARTMENT

Summary of Municipal Order No. 2007 - 286 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 two new positions were approved in the Fiscal Year 2008 budget due to the opening of the Kummer/Little Recreation Center and he recommended the appointments. 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 - 286 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2007 - 287

MUNICIPAL ORDER APPROVING THE PROBATIONARY APPOINTMENT OF APRIL N. COSBY TO THE POSITION OF STAFF ACCOUNTANT IN THE FINANCE DEPARTMENT

Summary of Municipal Order No. 2007 - 287 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 qualifications for the recommended appointment. 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 - 287 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2007 – 288

MUNICIPAL ORDER APPROVING THE PROBATIONARY APPOINTMENTS OF KEVIN GREATHOUSE, JEFFERY SALINGS AND MICHAEL WEST TO THE POSITION OF LABORER II IN THE PUBLIC WORKS DEPARTMENT

Summary of Municipal Order No. 2007 - 288 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 qualifications for the recommended appointments. 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 - 288 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2007 – 289

MUNICIPAL ORDER APPROVING THE PROMOTION OF EMILEE ISTRE TO THE POSITION OF SYSTEMS ANALYST IN THE INFORMATION TECHNOLOGY DEPARTMENT

Summary of Municipal Order No. 2007 - 289 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 position was approved with the adoption of the Fiscal Year 2008 budget. Chief Information Officer Lynn Hartley recommended the promotion and reviewed Ms. Istre's qualifications. 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 - 289 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2007 – 290

MUNICIPAL ORDER APPROVING THE PROMOTION OF ROY BASHAM, JR. TO THE POSITION OF OPERATIONS AND MAINTENANCE TECHNICIAN II IN THE PUBLIC WORKS DEPARTMENT, OPERATIONS DIVISION

Summary of Municipal Order No. 2007 - 290 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 this promotion was based on an approved career path program.

Public Works Director Emmett Wood reviewed Mr. Basham's qualifications and recommended his promotion. 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 - 290 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2007 - 291

MUNICIPAL ORDER AUTHORIZING AND ACCEPTING BID #2008-02 FOR AMERICAN POWER CONVERSION HARDWARE FROM OCEAN COMPUTER GROUP OF OCEAN, NEW JERSEY, R & S ELECTRIC OF BOWLING GREEN, KENTUCKY AND INDUSTRIAL ELECTRICAL CONTRACTORS, LLC OF BOWLING GREEN, KENTUCKY IN THE TOTAL AMOUNT OF \$135,744

Summary of Municipal Order No. 2007 - 291 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 explained the need to protect the City's computer system and he recommended the bid award. He also noted that this recommendation was for a portion of the overall bid since the City Hall and Public Works building segments were still under review. Chief Information Officer Lynn Hartley responded to questions about the bid and various segments. 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 - 291 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2007 - 292

MUNICIPAL ORDER AUTHORIZING AND ACCEPTING BID #2008-10 FOR POLICE DEPARTMENT AMMUNITION FROM CRAIG'S FIREARM SUPPLY, INC. OF KNOXVILLE, TENNESSEE AND LAWMEN'S AND SHOOTERS' SUPPLY, INC. OF BOWLING GREEN, KENTUCKY IN THE TOTAL AMOUNT OF \$33,604.65

Summary of Municipal Order No. 2007 - 292 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 and recommended the bid awards. Police Chief Doug Hawkins responded to a question about the amount of ammunition supply held by the department. 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 - 292 was approved by unanimous vote.

ORDINANCE NO. BG2007 - 42

(First Reading)

ORDINANCE RELATING TO PROPERTY TAX RATES

ORDINANCE SETTING 2007 PROPERTY TAX RATES,
FRANCHISE TAX RATES AND IMPROVEMENT ASSESSMENT
RATES, AND SETTING FORTH GUIDELINES FOR PAYMENT,
PENALTY AND INTEREST

Title and summary of Ordinance No. BG2007 - 42 was read by the Assistant City Manager/City Clerk. Motion was made by Strow and seconded by Nash for first reading of said Ordinance. DeFebbo stated that the property tax rate recommendation was discussed during the public hearing and that the rate was being reduced from the previous year to \$0.249. 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 - 42 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2007 - 293

MUNICIPAL ORDER AUTHORIZING THE PURCHASE OF
SAVINGS BONDS FROM US BANK OF BOWLING GREEN,
KENTUCKY IN THE AMOUNT OF \$91,750 FOR THE SAFETY
COMPLIANCE INCENTIVE PROGRAM, AND DISTRIBUTION OF
THE SAVINGS BONDS TO QUALIFYING EMPLOYEES

Summary of Municipal Order No. 2007 - 293 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 safety incentive program. Safety Training Manager David Weisbrodt noted that injury claims were down 23% over the past three-year average and that this past year there was a total overall savings of \$148,000 from premium reductions and claims costs. Chief Financial Officer Jeff Meisel responded to a question about the savings bonds being purchased from US Bank which currently held the City's workers' compensation fund account. 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 - 293 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2007 - 294

MUNICIPAL ORDER AUTHORIZING AND ORDERING
CONDEMNATION OF PORTIONS OF PROPERTY BELONGING TO
KARL CRANDALL AND JAMES W. SMITH LOCATED AT 985
LOVERS LANE, MR. AND MRS. EDWARD C. WILBANKS
LOCATED AT 1115 LOVERS LANE, AND MR. AND MRS.
WENDELL J. BOOTH AND MR. AND MRS. RICHARD D. BOOTH
LOCATED AT 1101 LOVERS LANE ON BEHALF OF THE
BOWLING GREEN MUNICIPAL UTILITIES BOARD FOR
NECESSARY EASEMENTS FOR RELOCATION OF EXISTING
UTILITIES TO UNDERGROUND FACILITIES DUE TO THE

KENTUCKY DEPARTMENT OF TRANSPORTATION'S PLANNED
WIDENING OF LOVERS LANE

Summary of Municipal Order No. 2007 - 294 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 relocation of utilities as part of the Lovers Lane widening project. Attorney Bud Strickler, representing Bowling Green Municipal Utilities (BGMU), outlined the protocol and procedure to request condemnation through the City. He also responded to questions about the under grounding of the utilities. 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 - 294 was approved by unanimous vote.

RESOLUTION NO. 2007 - 5

RESOLUTION OF THE CITY OF BOWLING GREEN EXPRESSING
CONCERN REGARDING ADEQUACY OF WATER SUPPLY AND
REQUESTING WATER LEVEL STUDY OF BARREN RIVER LAKE

Summary of Resolution No. 2007 - 5 was read by the Assistant City Manager/City Clerk. Motion was made by Wilkerson and seconded by Nash for consideration of said Resolution. As a representative of the BGMU Board, Comm. Nash indicated he wanted to bring this item forward to address issues with the water level at Barren River Lake as the City's primary water source. BGMU General Manager Mark Iverson responded to questions regarding the U.S. Army Corp of Engineers' study. Mayor Walker requested that a cover letter be sent with the executed Resolution to all area elected state and federal representatives and to include signature lines on the Resolution for all of the Board of Commissioners to sign. She 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

Resolution No. 2007 - 5 was approved by unanimous vote.

ADJOURNMENT

There being no further business to come before the Board of Commissioners, at approximately 8:10 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) the Fiscal Year End Financial Report for 2007; 2) the preliminary design proposals for Old Morgantown Road Corridor project; and 3) the Warren County Solid Waste Management Plan for 2008-2012.

ADOPTED: _____

APPROVED: _____
Mayor, Chairman of Board of Commissioners

ATTEST: _____
City Clerk

Minutes prepared by Assistant City Manager/City Clerk Katie Schaller