

**MINUTES of REGULAR MEETING
of the BOARD of COMMISSIONERS
of the CITY of BOWLING GREEN, KENTUCKY
held NOVEMBER 3, 2009**

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 November 3, 2009. Mayor Elaine N. Walker called the meeting to order. In honor of the upcoming Veterans Day Commander Roger Miller of American Legion Post 23 gave an invocation, and Commander Dean Frazier of VFW Post 1298 led the reciting of the Pledge of Allegiance. Assistant City Manager/City Clerk Katie Schaller called the roll, and the following members were present: Commissioner Joe W. Denning, Commissioner Catherine Hamilton, Commissioner Brian "Slim" Nash, Commissioner Bruce Wilkerson and Mayor Elaine N. Walker. Absent: none. There was a full quorum of the Board of Commissioners.

REMEMBRANCE

Mayor Walker requested a moment of silence to remember the sacrifice of Master Police Officer David Whitson who was killed in the line of duty on October 31, 2006.

AWARDS & RECOGNITIONS

Mayor Walker announced the City's Housing Division achieved a perfect score in its annual assessment (Section Eight Management Assessment Program) by the Department of Housing and Urban Development (HUD). She commended the staff of the Housing and Community Development Department for their hard work and dedication.

CITY MANAGER

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

APPROVAL OF MINUTES

Minutes of Regular Meeting October 20, 2009

Minutes of the above-referenced meeting were distributed to the Board of Commissioners with the Agenda for their review. Motion was made by Wilkerson and seconded by Hamilton to approve said minutes as written. Mayor Walker asked for discussion, and with none, a roll call vote was taken.

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

Motion to approve the minutes of the regular meeting of October 20, 2009 was approved by unanimous vote.

PUBLIC COMMENTS

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

MUNICIPAL ORDER NO. 2009 – 216

MUNICIPAL ORDER APPROVING THE PROMOTIONS OF JAMES D. HYDE TO THE POSITION OF ASSISTANT POLICE CHIEF, PENNY L. BOWLES TO THE POSITION OF POLICE CAPTAIN AND TYLER E. CHAMINGS TO THE POSITION OF POLICE SERGEANT IN THE POLICE DEPARTMENT

Summary of Municipal Order No. 2009 – 216 was read by the Assistant City Manager/City Clerk. Motion was made by Wilkerson and seconded by Hamilton for consideration of said Municipal Order. Police Chief Doug Hawkins reviewed each of his recommendations for promotion. Mayor Walker asked for additional discussion, and with none, a roll call vote was taken.

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

Municipal Order No. 2009 - 216 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2009 – 217

MUNICIPAL ORDER APPROVING THE PROMOTIONS OF MICHAEL D. BAKER TO THE POSITION OF COMPANY COMMANDER/EMT AND GREGORY R. FLORA TO THE POSITION OF FIRE APPARATUS OPERATOR/EMT IN THE FIRE DEPARTMENT

Summary of Municipal Order No. 2009 – 217 was read by the Assistant City Manager/City Clerk. Motion was made by Wilkerson and seconded by Hamilton for consideration of said Municipal Order. Fire Chief Greg Johnson reviewed and recommended the two promotions. Mayor Walker asked for additional discussion, and with none, a roll call vote was taken.

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

Municipal Order No. 2009 - 217 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2009 – 218

MUNICIPAL ORDER APPROVING THE PROBATIONARY APPOINTMENT OF BRADLEY S. STINSON TO THE POSITION OF E-GOVERNMENT COORDINATOR IN THE CITIZEN INFORMATION AND ASSISTANCE DEPARTMENT

Summary of Municipal Order No. 2009 - 218 was read by the Assistant City Manager/City Clerk. Motion was made by Wilkerson and seconded by Hamilton for consideration of said Municipal Order. DeFebbo reviewed the qualifications and recommended the appointment. Mayor Walker asked for additional discussion, and with none, a roll call vote was taken.

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

Municipal Order No. 2009 - 218 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2009 – 219

MUNICIPAL ORDER APPROVING A CONTRACT THROUGH NONCOMPETITIVE NEGOTIATIONS WITH MOTOROLA, INC. OF CHARLOTTE, NORTH CAROLINA UNDER THE KENTUCKY STATE PRICING CONTRACT FOR THE PURCHASE OF RADIOS FOR THE ALTERNATE 911 CENTER AT GREENWOOD FIRE STATION IN THE AMOUNT OF \$38,700.50

Summary of Municipal Order No. 2009 - 219 was read by the Assistant City Manager/City Clerk. Motion was made by Wilkerson and seconded by Hamilton for consideration of said Municipal Order. DeFebbo reviewed the purchase of equipment and its installation (referring to Municipal Order No. 2009 – 220 next on the agenda) to outfit the new alternate 911 center. Police Chief Doug Hawkins confirmed that the radios were P25 (digital interface) compliant and upgradeable when the time came for a new communications system. Mayor Walker asked for additional discussion, and with none, a roll call vote was taken.

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

Municipal Order No. 2009 - 219 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2009 – 220

MUNICIPAL ORDER APPROVING A CONTRACT THROUGH NONCOMPETITIVE NEGOTIATIONS WITH MOBILE COMMUNICATIONS SERVICE, INC. OF BOWLING GREEN, KENTUCKY FOR THE PURCHASE AND INSTALLATION OF EQUIPMENT FOR THE ALTERNATE 911 CENTER AT GREENWOOD FIRE STATION IN THE AMOUNT OF \$73,386.60

Summary of Municipal Order No. 2009 - 220 was read by the Assistant City Manager/City Clerk. Motion was made by Wilkerson and seconded by Hamilton for consideration of said Municipal Order. DeFebbo responded to a question from Comm. Denning regarding the ability to use non-competitive bidding based on Kentucky state pricing which went through a competitive bidding process. Mayor Walker asked for additional discussion, and with none, a roll call vote was taken.

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

Municipal Order No. 2009 - 220 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2009 – 221

MUNICIPAL ORDER AUTHORIZING AND ACCEPTING BID #2010-15 FOR THE PURCHASE OF A FLASHOVER CHAMBER FROM DRAEGER SAFETY, INC. OF ENCINITAS, CALIFORNIA IN THE AMOUNT OF \$35,380

Summary of Municipal Order No. 2009 - 221 was read by the Assistant City Manager/City Clerk. Motion was made by Wilkerson and seconded by Hamilton for consideration of said Municipal Order. DeFebbo recommended the purchase of the flashover chamber which would assist with firefighter training. Mayor Walker commented about the rapid nature fires could explode and the ability to provide a training tool to allow the firefighters to learn how to react in those situations. She asked for additional discussion, and with none, a roll call vote was taken.

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

Municipal Order No. 2009 - 221 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2009 – 222

MUNICIPAL ORDER APPROVING A CONTRACT THROUGH NONCOMPETITIVE NEGOTIATIONS WITH INTERNATIONAL POLICE TECHNOLOGIES OF TULSA, OKLAHOMA UNDER THE GSA CONTRACT FOR THE PURCHASE OF DIGITAL IN-CAR CAMERAS IN THE TOTAL AMOUNT OF \$110,080

Summary of Municipal Order No. 2009 - 222 was read by the Assistant City Manager/City Clerk. Motion was made by Denning and seconded by Hamilton for consideration of said Municipal Order. DeFebbo explained the City would purchase in-car cameras under a federal pricing contract and grant funds would pay for that purchase. Mayor Walker asked for additional discussion, and with none, a roll call vote was taken.

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

Municipal Order No. 2009 - 222 was approved by unanimous vote.

ORDINANCE NO. BG2009 – 31

(First Reading)

ORDINANCE REZONING REAL ESTATE

ORDINANCE REZONING A TRACT OF LAND CONTAINING 0.588 ACRE FROM RM-4 (MULTI-FAMILY RESIDENTIAL) TO GB (GENERAL BUSINESS) LOCATED AT 529 PARK STREET, WITH BINDING ELEMENTS, PRESENTLY OWNED BY DWC PROPERTIES, LLC AND CROWE-WHEELER & ASSOCIATES

Title and summary of Ordinance No. BG2009 - 31 was read by the Assistant City Manager/City Clerk. Motion was made by Wilkerson and seconded by Hamilton for first reading of said Ordinance. City-County Planning Commission Director Steve Hunter described the recommended rezoning and its associated binding elements. He also responded to questions about designated parking requirements. Mayor Walker asked for additional discussion, and with none, a roll call vote was taken.

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

First reading of Ordinance No. BG2009 - 31 was approved by unanimous vote.

ORDINANCE NO. BG2009 – 32

(First Reading)

ORDINANCE REZONING REAL ESTATE

ORDINANCE REZONING A TRACT OF LAND CONTAINING 3.54 ACRES FROM HI (HEAVY INDUSTRIAL) TO HB (HIGHWAY BUSINESS) LOCATED AT 401 EMMETT AVENUE, WITH BINDING ELEMENTS, PRESENTLY OWNED BY NEWMAN INDUSTRIAL HOLDINGS, LLC AND DAYMAR PROPERTIES OF BOWLING GREEN, LLC AS CONTRACT VENDEE

Title and summary of Ordinance No. BG2009 - 32 was read by the Assistant City Manager/City Clerk. Motion was made by Wilkerson and seconded by Nash for first reading of said Ordinance. City-County Planning Commission Director Steve Hunter described the recommended rezoning and its associated binding elements. He also responded to questions about access points (entrances), signage and anticipated use of the renovated facility. Comm. Nash expressed concern about where the sign might be located, how bright it would be and how that might impact the residences in the neighborhood. Comm. Denning agreed and also expressed concern about landscaping being placed too closely to the corner of the lot and inhibiting visibility at the corner of Emmett Avenue and Fitzgerald Industrial Drive. Mr. Hunter said he would be willing to have his staff review the sign requirements to consider future revisions to the Zoning Ordinance. Walker asked for additional discussion, and with none, a roll call vote was taken.

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

First reading of Ordinance No. BG2009 - 32 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2009 – 223

MUNICIPAL ORDER APPROVING THE ACCEPTANCE OF THE ENERGY EFFICIENCY AND CONSERVATION BLOCK GRANT (EECBG) FUNDING FROM THE U.S. DEPARTMENT OF ENERGY IN THE AMOUNT OF \$585,600

Summary of Municipal Order No. 2009 - 223 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 the City received notification of award in October. He explained about half of the funds would be used to provide more energy efficiencies with City buildings and the other half would be provided for community benefit and administered by contract with the Barren River Area Development District (BRADD). Mayor Walker asked for additional discussion, and with none, a roll call vote was taken.

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

Municipal Order No. 2009 - 223 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2009 – 224

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. 2009 - 224 was read by the Assistant City Manager/City Clerk. Motion was made by Wilkerson and seconded by Hamilton for consideration of said Municipal Order. DeFebbo indicated this was the sixth year of the leasing arrangement and recommended its continuation. Mayor Walker asked for additional discussion, and with none, a roll call vote was taken.

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

Municipal Order No. 2009 - 224 was approved by unanimous vote.

ORDINANCE NO. BG2009 - 33

(First Reading)

ORDINANCE AMENDING CODE OF ORDINANCES

ORDINANCE AMENDING CHAPTER 6 (BUILDING REGULATIONS), SUBCHAPTER 6-13 (CONTRACTORS LICENSING) OF THE CITY OF BOWLING GREEN CODE OF ORDINANCES TO APPROVE A RECOMMENDATION FROM THE CONTRACTORS LICENSING BOARD TO ESTABLISH CONTINUING EDUCATION REQUIREMENTS FOR GENERAL CONTRACTORS

Title and summary of Ordinance No. BG2009 - 33 was read by the Assistant City Manager/City Clerk. Motion was made by Wilkerson and seconded by Hamilton for first reading of said Ordinance. DeFebbo noted this item was discussed at the October 20th work session. Mayor Walker asked for additional discussion, and with none, a roll call vote was taken.

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

First reading of Ordinance No. BG2009 - 33 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2009 - 225

MUNICIPAL ORDER AUTHORIZING PAYMENT IN THE AMOUNT OF \$31,665.53 TO REIMBURSE BOWLING GREEN AREA ECONOMIC DEVELOPMENT AUTHORITY, INC. FOR THE CITY'S SHARE OF THE COST TO CONSTRUCT AN EXTENSION OF KAWANISHI WAY IN THE SOUTH INDUSTRIAL PARK

Summary of Municipal Order No. 2009 - 225 was read by the Assistant City Manager/City Clerk. Motion was made by Wilkerson and seconded by Hamilton for consideration of said Municipal Order. DeFebbo explained a planned expansion of Kobe Aluminum necessitated the need to extend the roadway. He noted that the final cost of the project came in well below initial estimates and the City's share would be paid from Job Development Incentive funds and not General Fund monies. Mayor Walker asked for additional discussion, and with none, a roll call vote was taken.

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

Municipal Order No. 2009 - 225 was approved by unanimous vote.

BOARD OF COMMISSIONERS COMMENTS

Mayor Walker invited the public to attend of the upcoming Veterans Day Parade on Saturday, November 7th.

Comm. Denning mentioned that as leaf season has begun, he has seen leaves placed in the middle of the street in some areas. He noted that leaves should be placed at the curb and should not block the street or sidewalk.

ADJOURNMENT

There being no further business to come before the Board of Commissioners, at approximately 7:45 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 Nash, convened at 4:00 p.m. in the Commission Chamber of City Hall for a regular work session to discuss the following subjects: 1) presentation regarding public safety radio system by Tussa Consulting Services (TCS); 2) revisit the City-County Planning and Zoning Liaison Committee and Municipal Order No. 2004-106; and 3) quarterly report regarding downtown TIF (Tax Increment Financing) activities presented by the Warren County Downtown Economic Development Authority.

ADOPTED: _____

APPROVED: _____
Mayor, Chairman of Board of Commissioners

ATTEST: _____
City Clerk

Minutes prepared by Assistant City Manager/City Clerk Katie Schaller