

**MINUTES of REGULAR MEETING
of the BOARD of COMMISSIONERS
of the CITY of BOWLING GREEN, KENTUCKY
held APRIL 20, 2010**

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 April 20, 2010. Mayor Elaine N. Walker called the meeting to order. An invocation was given by Mark Lord, 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 Catherine Hamilton, Commissioner Brian "Slim" Nash, Commissioner Bruce Wilkerson, Commissioner Joe W. Denning and Mayor Elaine N. Walker. Absent: none. There was a full quorum of the Board of Commissioners.

AWARDS & RECOGNITIONS

Operation P.R.I.D.E. Executive Director Ray Lackey presented P.R.I.D.E.'s monthly residential award to the City of Bowling Green for the Lee Square neighborhood park at 225 State Street. He noted that there was not a commercial award this month.

Mayor Walker announced that on April 22nd GOBG Transit would be celebrating Earth Day by offering free transit rides to the public.

CITY MANAGER

City Manager Kevin D. DeFebbo announced that the City would be auctioning its surplus property to the public on April 24th starting at 10:00 a.m. at the City Garage located off Raven Street. He also requested a closed session for the purpose of discussion which might lead to the discipline or dismissal of an individual employee. Motion was made by Wilkerson and seconded by Nash to convene in closed session following the regular meeting pursuant to KRS 61.810 (1) (f). Walker called for roll call vote.

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

Motion to convene in closed session pursuant to KRS 61.810 (1) (f) was approved by unanimous vote. Mr. DeFebbo remarked that action may follow the discussion.

APPROVAL OF MINUTES

Minutes of Regular Meeting April 6, 2010

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: Hamilton, Wilkerson, Denning and Walker
 Voting Nay: None
 Abstaining: Nash

Motion to approve the minutes of the regular meeting of April 6, 2010 was approved by majority vote. Comm. Nash abstained since he was not in attendance at that meeting.

PUBLIC COMMENTS

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

ORDINANCE NO. BG2010 - 11
(Second Reading)
ORDINANCE REZONING REAL ESTATE

ORDINANCE REZONING A TRACT OF LAND CONTAINING 19.5432 ACRES FROM HB (HIGHWAY BUSINESS) AND F (GENERAL FLOOD PLAIN) TO RM-4 (MULTI-FAMILY RESIDENTIAL) AND F (GENERAL FLOOD PLAIN) LOCATED ON FITZGERALD INDUSTRIAL DRIVE, WITH BINDING ELEMENTS, PRESENTLY OWNED BY BERTHA'S RIM PARTNERS, LLC AND BERTHA'S RIM DEVELOPERS, LLC AS CONTRACT VENDEE

Title and summary of Ordinance No. BG2010 - 11 was read by the Assistant City Manager/City Clerk, which was first introduced at the March 16, 2010 Board of Commissioners meeting. Motion was made by Hamilton 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: Hamilton, Nash, Denning and Walker
 Voting Nay: None
 Abstaining: Wilkerson

Ordinance No. BG2010 - 11 was adopted by majority vote. When Comm. Wilkerson abstained, he stated he had a business conflict.

ORDINANCE NO. BG2010 - 12
(Second Reading)
ORDINANCE AMENDING CODE OF ORDINANCES

ORDINANCE AMENDING CHAPTER 27 (PROPERTY CODE) OF THE CITY OF BOWLING GREEN CODE OF ORDINANCES TO PROVIDE LOCAL REQUIREMENTS OMITTED FROM THE INTERNATIONAL PROPERTY MAINTENANCE CODE

Title and summary of Ordinance No. BG2010 - 12 was read by the Assistant City Manager/City Clerk. Motion was made by Nash and seconded by Hamilton for second reading of said Ordinance. Mayor Walker asked for discussion, and with none, a roll call vote was taken.

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

Ordinance No. BG2010 - 12 was adopted by unanimous vote.

MUNICIPAL ORDER NO. 2010 - 72

MUNICIPAL ORDER APPROVING THE REAPPOINTMENTS OF RICHARD MORGAN AND CHARLIE PRIDE TO THE UNIVERSITY DISTRICT REVIEW COMMITTEE

Summary of Municipal Order No. 2010 - 72 was read by the Assistant City Manager/City Clerk. Motion was made by Wilkerson and seconded by Hamilton 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: Hamilton, Nash, Wilkerson, Denning and Walker
 Voting Nay: None

Municipal Order No. 2010 - 72 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2010 - 73

MUNICIPAL ORDER APPROVING THE PROMOTIONS OF M. PAUL CAMPBELL TO THE POSITION OF COMPANY COMMANDER/EMT AND SHANNON L. PARDUE TO THE POSITION OF FIRE APPARATUS OPERATOR/EMT IN THE FIRE DEPARTMENT

Summary of Municipal Order No. 2010 - 73 was read by the Assistant City Manager/City Clerk. Motion was made by Wilkerson and seconded by Denning for consideration of said Municipal Order. Fire Chief Greg Johnson remarked that Company Commander Tom Williams recently retired which opened up a slot for promotion. He reviewed and recommended the two subsequent promotions. Mayor Walker asked for additional discussion, and with none, a roll call vote was taken.

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

Municipal Order No. 2010 - 73 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2010 - 74

MUNICIPAL ORDER AUTHORIZING AND ACCEPTING BID #2010-35 FOR CONCRETE FROM IRVING MATERIALS, INC. OF BOWLING GREEN, KENTUCKY IN THE AMOUNT OF \$35,950

Summary of Municipal Order No. 2010 - 74 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 and recommended the bid award which would hold prices constant for a year. Public Works Director Emmett Wood responded to a question about concrete prices in recent months. Mayor Walker asked for additional discussion, and with none, a roll call vote was taken.

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

Municipal Order No. 2010 - 74 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2010 - 75

MUNICIPAL ORDER AUTHORIZING AND ACCEPTING BID #2010-36 FOR CONSTRUCTION OF THE HINES BOATLANDING PARK TO HOBSON GROVE GREENWAYS CONNECTOR FROM SCOTT AND MURPHY, INC. OF BOWLING GREEN, KENTUCKY IN THE AMOUNT OF \$283,365.12

Summary of Municipal Order No. 2010 – 75 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 remarked about the continuing efforts to expand the greenways infrastructure and he recommended the bid award. He also confirmed that grant funds would be used for this project. Mayor Walker commented about the Hobson House’s enthusiasm for the new trail. She asked for additional discussion, and with none, a roll call vote was taken.

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

Municipal Order No. 2010 - 75 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2010 – 76

MUNICIPAL ORDER AUTHORIZING AND ACCEPTING THE FILING OF A GRANT APPLICATION WITH THE KENTUCKY TRANSPORTATION CABINET FOR FISCAL YEAR 2011 FEDERAL TRANSPORTATION ASSISTANCE UNDER THE SECTION 5307 PROGRAM THROUGH THE FEDERAL TRANSIT ADMINISTRATION IN AN AMOUNT NOT TO EXCEED \$1,351,695

Summary of Municipal Order No. 2010 - 76 was read by the Assistant City Manager/City Clerk. Motion was made by Denning and seconded by Walker for consideration of said Municipal Order. DeFebbo noted this would be the eighth year for public transit funds which pass through the City to the operating agency.

Community Action of Southern Kentucky Executive Director Cheryl Allen commented about some additional specials being offered on “go-passes” during the Earth Day celebrations and encouraged the public to take advantage of them. She also indicated that GOBG Transit ridership was gradually increasing as ridership across the country was down due to the economy. In response to an inquiry by Comm. Nash, Ms. Allen confirmed the unlimited ridership available for student passes. Mayor Walker asked for additional discussion, and with none, a roll call vote was taken.

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

Municipal Order No. 2010 - 76 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2010 – 77

MUNICIPAL ORDER APPROVING AMENDMENT TO TRAFFIC FEATURE MAP RELATED TO THE INSTALLATION OF A STOP SIGN AND STOP BAR AT THE INTERSECTION OF A PRIVATE ACCESS ROAD THAT LINKS ASHLEY FURNITURE AND HOME DEPOT TO WESTPARK DRIVE

Summary of Municipal Order No. 2010 - 77 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 noted this amendment was requested by a Police Officer due to a number of traffic incidents at this location. Public Works Director Emmett Wood described the location and concurred that a stop sign would assist with traffic flow.

Comm. Wilkerson agreed that a stop sign was needed, but was concerned about placing it on private property. Mr. Wood confirmed that stop signs had been put on private property elsewhere in the City and that the staff did take steps to contact the property owner and developer, but had no response. Civil Engineer Mark Absher responded to a question from Comm. Nash about citations being issued for running a stop sign on private property. Mr. DeFebbo indicated that staff would continue to follow up with the property owner to request reimbursement for the costs of installation.

Mayor Walker suggested development regulations should be reviewed and changed to require the placement of stop signs to handle situations like this in the future. She remarked that the consideration could be based on whether there would be any safety issues that warrant the installation. Comm. Nash agreed that it could be made a part of the section that requires driveway cuts. With no further discussion, a roll call vote was taken.

ROLL CALL: Voting Yea: Hamilton, Nash, Wilkerson, Denning and Walker

Voting Nay: None

Municipal Order No. 2010 - 77 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2010 - 78

**MUNICIPAL ORDER APPROVING AMENDMENT TO TRAFFIC
FEATURE MAP RELATED TO THE INSTALLATION OF TURN
RESTRICTION SIGNAGE LOCATED AT THE INTERSECTION OF
BROCKLEY DRIVE AND CEMETERY LANE**

Summary of Municipal Order No. 2010 - 78 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 that this item was brought forward by Parks and Recreation Director Ernie Gouvas in an effort to curtail cut-thru traffic in the cemetery. Public Works Director Emmett Wood identified the location and outlined the traffic concerns to be addressed with the additional signage. Mayor Walker asked for additional discussion, and with none, a roll call vote was taken.

ROLL CALL: Voting Yea: Hamilton, Nash, Wilkerson, Denning and Walker

Voting Nay: None

Municipal Order No. 2010 - 78 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2010 - 79

**MUNICIPAL ORDER RECONSIDERING VOTE ON MUNICIPAL
ORDER NO. 2010-59 RELATED TO AN AMENDMENT TO THE
TRAFFIC FEATURE MAP RESTRICTING PARKING TO ONE SIDE
OF THE STREET LOCATED ON COASTAL AVENUE IN
RIVERBEND SUBDIVISION**

Summary of Municipal Order No. 2010 - 79 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 explained that since the vote was 2-2 at the previous meeting for Municipal Order No. 2010 - 59, this item was proposed for reconsideration now that all five members of the board were present. Mayor Walker stated she requested this item to be placed on the agenda because of Commissioner Wilkerson's comments made at the end of the last meeting based on the outcome of the vote. She agreed it was important to have a full discussion on the issue.

Comm. Nash stated he had researched the issue and witnessed a bus trying to maneuver through the street one morning. He also commented that he had made efforts to ride on a school bus to see the concerns first hand, but was unable to do so. He acknowledged that it was difficult to see children waiting if they were standing too close to the street and blocked from view by a parked car. He agreed that something needed to be done to address this issue.

Comm. Wilkerson stated he appreciated that the Public Works staff went out to premark the locations for restricted parking under the alternate proposal, which restricted parking in designated areas on both sides of the street. He stated he wanted to balance the safety of the children with the needs of the neighborhood. Comm. Nash expressed concerns with the alternate proposal because cars might be clustered together making it even more difficult for an approaching bus driver to see the children. He preferred restricting parking all on one side of the street, but suggested that the restriction could be lifted during the months of June and July when school was not in session.

Mayor Walker stated she was surprised there were not any cars on the street when she went out there to look at the area. She reiterated that the issue was brought forward by the bus driver and that she understood the concerns of the community. However, she stated that the bottom line for her came down to the safety of the children. She also welcomed the modification proposed by Comm. Nash.

There was additional discussion which related to the ability of preventing issues with parking restrictions on the front end of future developments, including the revision of ordinances to require certain traffic features. Comm. Nash remarked he would like to work on making changes to subdivision regulations or the Comprehensive Plan to avoid these kinds of problems. Mr. DeFebbo agreed. City Attorney Gene Harmon suggested that action on such issues could be taken when development plans were being reviewed.

Comm. Denning declared he would be looking out for the safety of the kids and bus drivers and would side with the school. He indicated he would take his chances on being right, and if just one life would be saved, it was well worth it to him.

Jason Wolfe of 540 Coastal Avenue thanked Commissioners Wilkerson and Hamilton for their vote at the last meeting. He also stated that he appreciated Comm. Nash's willingness to research the issue, and he requested consideration of time restricted parking. In response, Comm. Nash voiced concern with angering people if cars were towed under the time restrictions and that it would be difficult for Police Officers to patrol when needed.

Comm. Wilkerson made a motion, seconded by Hamilton, to amend Municipal Order No. 2010 - 79 to accept the alternate proposal of parking restrictions at designated locations along both sides of Coastal Avenue. He stated that he believed this substitution would take care of the problem areas with the biggest issues and was a good compromise. Comm. Hamilton expressed her appreciation to the Public Works staff for providing two options and she agreed this was a good compromise. Mayor Walker spoke against the amendment because it did not address the bus drivers concerns. Once discussion ended, a roll call vote was taken on the motion to amend.

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

Motion to amend Municipal Order No. 2010 - 79 to accept the alternate proposal was defeated by majority vote.

Comm. Wilkerson made a second motion to amend Municipal Order No. 2010 – 79 to limit parking restrictions on the one side of the street from 7:00 – 8:30 a.m. and 3:00 – 4:30 p.m. This motion failed for lack of a second.

Comm. Nash made a motion, seconded by Denning, to amend Municipal Order No. 2010 – 79 to restrict parking on the same side of the street that the fire hydrants were located and to allow parking on both sides of the street specifically during the months of June and July when school was not in session. A roll call vote was taken on the motion to amend.

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

Motion to amend Municipal Order No. 2010 - 79 to restrict parking on one side of the street during school months was approved by majority vote. With no additional discussion, a roll call vote was taken on the Municipal Order as amended.

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

Municipal Order No. 2010 - 79 as amended was approved by majority vote.

MUNICIPAL ORDER NO. 2010 – 80

MUNICIPAL ORDER ACCEPTING DONATION FROM JOHN AND LINDA KELLY FAMILY CHARITABLE FOUNDATION TO EXPAND THE SCOPE OF SERVICE OF CAMP HAPPY DAYS

Summary of Municipal Order No. 2010 - 80 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 thanked the family for its donation that allowed for the expansion of the summer camp program. Comm. Nash commented about the donation being made to assist adults with special needs and stated it was a great camp program. Mayor Walker also commented on the success of the program. She asked for additional discussion, and with none, a roll call vote was taken.

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

Municipal Order No. 2010 - 80 was approved by unanimous vote.

CLOSED SESSION

Following a brief recess to clear the Commission Chamber, the Board of Commissioners met at approximately 8:05 p.m. in closed session pursuant to KRS 61.810 (1) (f) as previously approved.

RECONVENE IN OPEN SESSION

Once all discussion concluded in closed session, the Board of Commissioners reconvened in open session at approximately 8:57 p.m. to consider action. Motion was made by Nash and seconded by Hamilton to add Municipal Order No. 2010 – 81 to the agenda for consideration. With no discussion, a roll call vote was taken.

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

Motion to add Municipal Order No. 2010 – 81 to the agenda was approved by unanimous vote.

MUNICIPAL ORDER NO. 2010 - 81

MUNICIPAL ORDER APPROVING THE RECOMMENDATION OF
THE CITY MANAGER TO TERMINATE THE EMPLOYMENT OF
ELIZABETH M. BARTSCH IN THE CITIZEN INFORMATION AND
ASSISTANCE DEPARTMENT

Summary of Municipal Order No. 2010 - 81 was read by the Assistant City Manager/City Clerk. Motion was made by Wilkerson and seconded by Nash 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: Hamilton, Nash, Wilkerson, Denning and Walker

Voting Nay: None

Municipal Order No. 2010 - 81 was approved by unanimous vote.

ADJOURNMENT

There being no further business to come before the Board of Commissioners, at approximately 9:00 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. (late start at 4:05 p.m.) in the Commission Chamber of City Hall for a regular work session to discuss the following subjects: 1) a presentation by Western Kentucky University regarding an underground high voltage line project along State Street and Normal Drive which would cause a temporary loss of on-street parking during construction; and 2) the partial refinancing of the General Obligation Bonds for the Inter-Modal Transportation Authority, Inc. (ITA). There was no objection made by the Board of Commissioners regarding the temporary loss of on-street parking for the WKU project to begin May 2010. The Board provided consensus for staff to pursue further investigation of the benefits and impacts to refinancing the ITA bonds.

ADOPTED: _____

APPROVED: _____
Mayor, Chairman of Board of Commissioners

ATTEST: _____
City Clerk

Minutes prepared by Assistant City Manager/City Clerk Katie Schaller