

**MINUTES of REGULAR MEETING
of the BOARD of COMMISSIONERS
of the CITY of BOWLING GREEN, KENTUCKY
held MAY 15, 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 May 15, 2007. Mayor Elaine N. Walker called the meeting to order. An invocation was given by Assistant Pastor and Youth Minister Tim Holmes of Hillvue Heights 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 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.

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 May, Ms. Hume presented a commercial property award to the Fairview Building (formerly known as the McGuffey Building) located at 730 Fairview Avenue and owned by Steve and Terry Sheldon. Tim Poston of Poston Construction accepted the award on behalf of the owners.

CITY MANAGER

City Manager Kevin D. DeFebbo requested a closed session for the purpose of discussion regarding the future sale of real property by the City as publicity would likely affect the value of the specific piece of property to be sold by the City; discussion which might lead to the appointment, discipline or dismissal of an individual employee without restricting that employee's right to a public hearing if requested; and, discussion between the City and a representative of business entities and for 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 (b), (f) and (g). 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 (b), (f) and (g) was approved by unanimous vote.

APPROVAL OF MINUTES

Minutes of Special Meeting April 26, 2007 and Regular Meeting May 1, 2007

Minutes of the above-referenced meetings were distributed to the Board of Commissioners with the Agenda for their review. Motion was made by Nash and seconded by Wilkerson 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 meeting of April 26, 2007 and regular meeting of May 1, 2007 was approved by unanimous vote.

PUBLIC COMMENTS

Wilma Grise of 101 Augusta Avenue spoke in support of smoke-free workplaces and encouraged support of an ordinance.

Dr. Fred Gott, whose practice was located at 191 W. Professional Park Court, also expressed his support of a smoke-free community.

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 – 160

MUNICIPAL ORDER AUTHORIZING THE SUBMISSION OF A GRANT APPLICATION TO THE KENTUCKY OFFICE OF HOMELAND SECURITY FOR THE 2007 HOMELAND SECURITY GRANT PROGRAM IN THE AMOUNT OF \$836,759

MUNICIPAL ORDER NO. 2007 – 161

MUNICIPAL ORDER AUTHORIZING THE SUBMISSION OF A GRANT APPLICATION TO THE KENTUCKY OFFICE OF HOMELAND SECURITY FOR THE 2007 HOMELAND SECURITY GRANT PROGRAM IN THE AMOUNT OF \$1,836,523

MUNICIPAL ORDER NO. 2007 – 162

MUNICIPAL ORDER AUTHORIZING THE SUBMISSION OF A GRANT APPLICATION TO THE U.S. DEPARTMENT OF JUSTICE, BUREAU OF JUSTICE ASSISTANCE, OFFICE OF JUSTICE PROGRAMS FOR EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT (JAG) FUNDS IN THE AMOUNT OF \$26,455

MUNICIPAL ORDER NO. 2007 – 163

MUNICIPAL ORDER APPROVING THE REAPPOINTMENT OF COURTLANN ATKINSON TO THE CITY-COUNTY BOARD OF ADJUSTMENTS

MUNICIPAL ORDER NO. 2007 - 164

MUNICIPAL ORDER APPROVING THE APPOINTMENT OF CRYSTAL A. HARDEMAN TO THE HUMAN RIGHTS COMMISSION

MUNICIPAL ORDER NO. 2007 - 165

MUNICIPAL ORDER APPROVING THE APPOINTMENT OF MILDRED WILLIAMS TO THE BOWLING GREEN PUBLIC LIBRARY BOARD OF TRUSTEES

MUNICIPAL ORDER NO. 2007 - 166

MUNICIPAL ORDER APPROVING THE APPOINTMENT OF MICHAEL C. GRAF TO THE BOWLING GREEN-WARREN COUNTY MILITARY LIAISON BOARD

MUNICIPAL ORDER NO. 2007 - 167

MUNICIPAL ORDER APPROVING THE REAPPOINTMENT OF JOHN DEEB AND APPOINTMENT OF RONALD D. RAMSING TO THE BOARD OF PARK COMMISSIONERS

Motion was made by Strow and seconded by Nash 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. BG2007 - 20

(Second Reading)

ORDINANCE REZONING REAL ESTATE

ORDINANCE REZONING A TRACT OF LAND CONTAINING 3.689 (+/-) ACRES FROM AG (AGRICULTURE) TO HB (HIGHWAY BUSINESS) LOCATED AT 3219 NASHVILLE ROAD, PRESENTLY OWNED BY HILLVUE HEIGHTS BAPTIST CHURCH, INC.

Title and summary of Ordinance No. BG2007 - 20 was read by the Assistant City Manager/City Clerk. Motion was made by Wilkerson and seconded by Denning 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. BG2007 - 20 was adopted by unanimous vote.

MUNICIPAL ORDER NO. 2007 - 168

MUNICIPAL ORDER APPROVING THE PROBATIONARY APPOINTMENT OF NEISHA BREE YATES TO THE POSITION OF SPECIAL POPULATIONS COORDINATOR IN THE PARKS AND RECREATION DEPARTMENT, RECREATION DIVISION

Summary of Municipal Order No. 2007 - 168 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 qualifications of the recommended applicant for appointment. 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. 2007 - 168 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2007 - 169

MUNICIPAL ORDER APPROVING THE PROBATIONARY APPOINTMENTS OF CHARLES DAVID MOORE, RONALD FRANKLIN WARD, MICHELE KAY OWEN, BENJAMIN LEE CARROLL, BERNARD JAMES WIEDEMER, JONATHAN DAVID VICKOUS, GEOFFREY PHILLIP GLEITZ, RANDY MICHAEL IMBRESIA, DANIEL RAY GROVES, MATTHEW THOMAS WHEAT AND GREGORY J. RICE, II TO THE POSITION OF POLICE OFFICER FOR THE POLICE DEPARTMENT

Summary of Municipal Order No. 2007 - 169 was read by the Assistant City Manager/City Clerk. Motion was made by Wilkerson and seconded by Strow for consideration of said Municipal Order. Police Chief Doug Hawkins reviewed the hiring process and recent changes to open the applicant pool. He recommended appointing the eleven candidates as Police Officers and indicated that he would be presenting a few more recommendations for Board approval soon. 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. 2007 - 169 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2007 - 156

MUNICIPAL ORDER AUTHORIZING THE CREATION OF A CHECKING ACCOUNT AT US BANK FOR THE CITY'S OCCUPATIONAL WITHHOLDINGS LOCKBOX DEPOSITS

Summary of Municipal Order No. 2007 - 156 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 indicated that as a result of an evaluation regarding the financial management of checks, he recommended the creation of a lockbox to collect occupational license fee receipts directly by the bank for immediate deposit. He also indicated that the banking services for the City would be bid out later in the 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. 2007 - 156 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2007 - 170

MUNICIPAL ORDER AUTHORIZING AND ACCEPTING BID #2007-46 FOR A WATER QUALITY MODEL FOR THE CITY OF BOWLING GREEN FROM FULLER, MOSSBARGER, SCOTT AND MAY ENGINEERS, INC. OF LOUISVILLE, KENTUCKY IN THE AMOUNT OF \$32,570

Summary of Municipal Order No. 2007 - 170 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 indicated that when the stormwater program was created, it included a commitment to stormwater quality to comply with Federal regulations. He reviewed the recommended bid award for professional services. City Engineer Jeff Lashlee clarified the type and use of the water quality model. 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. 2007 - 170 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2007 - 171

MUNICIPAL ORDER AUTHORIZING AND ACCEPTING BID #2007-66 FOR LEE SQUARE FENCING FROM C-ME FENCE CO., INC. OF SMITHS GROVE, KENTUCKY IN THE AMOUNT OF \$22,240, AND MCINTOSH DESIGN AND FABRICATION SYSTEMS, LLC OF RUSSELLVILLE, KENTUCKY IN THE AMOUNT OF \$8,470.37

Summary of Municipal Order No. 2007 - 171 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 reviewed the Lee Square project and the inclusion of fencing, and he recommended

the bid awards. Housing and Community Development Director Alice Burks responded to questions regarding the project and the pricing range for the homes. Mayor Walker thanked Ms. Burks for her leadership and bringing the project to fruition. Ms. Burks announced that a ribbon cutting and home tours would be held on June 8, 2007. 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. 2007 - 171 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2007 - 172

MUNICIPAL ORDER APPROVING CONTRACTS THROUGH NONCOMPETITIVE NEGOTIATIONS WITH INDEPENDENCE COMMUNICATIONS IN THE AMOUNT OF \$105,200, PRECISION MOUNTING TECHNOLOGIES IN THE AMOUNT OF \$49,750, INTERACT PUBLIC SAFETY SYSTEMS IN THE AMOUNT OF \$24,750 AND GTSI CORPORATION IN THE AMOUNT OF \$3,989 UNDER THE KENTUCKY STATE PRICING CONTRACT FOR THE PURCHASE OF EQUIPMENT RELATED TO THE INSTALLATION AND OPERATION OF MOBILE DATA COMPUTERS-PHASE 1

Summary of Municipal Order No. 2007 - 172 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 recommended the bid award for the purchase of equipment to install computers in police cruisers. 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. 2007 - 172 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2007 - 173

MUNICIPAL ORDER APPROVING CONSTRUCTION AND ACCEPTING MAINTENANCE OF TECHNOLOGY WAY IN THE KENTUCKY TRANSPARK SUBDIVISION

Summary of Municipal Order No. 2007 - 173 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 policy to accept maintenance of new streets which meet the City's requirements. 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. 2007 - 173 was approved by unanimous vote.

ORDINANCE NO. BG2007 - 21

(First Reading)

ORDINANCE AMENDING CODE OF ORDINANCES

ORDINANCE AMENDING CHAPTER 28 (FLOOD DAMAGE PREVENTION) OF THE CITY OF BOWLING GREEN CODE OF ORDINANCES TO CLARIFY THE BASIS FOR THE ESTABLISHMENT OF THE SPECIAL FLOOD HAZARD AREAS

Title and summary of Ordinance No. BG2007 - 21 was read by the Assistant City Manager/City Clerk. Motion was made by Wilkerson and seconded by Strow for first reading of said Ordinance. DeFebbo reviewed the need for a minor amendment. City Attorney Gene Harmon explained the required change to reference the actual date of the flood map adoption. 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. BG2007 - 21 was approved by unanimous vote.

ORDINANCE NO. BG2007 - 22
(First Reading)
ORDINANCE REZONING REAL ESTATE

ORDINANCE REZONING A TRACT OF LAND CONTAINING 43,296 SQUARE FEET FROM RS-1A (SINGLE FAMILY RESIDENTIAL) AND NB (NEIGHBORHOOD BUSINESS) TO GB (GENERAL BUSINESS) LOCATED AT 1107 AND 1115 FAIRVIEW AVENUE AND A PORTION OF 605 MEADOWLAWN AVENUE, WITH BINDING ELEMENTS, PRESENTLY OWNED BY NEAL AND JUDY TURNER, JOHN AND LYNNE ATKERSON, BEST PROPERTIES AND MARTY WILKINS

Title and summary of Ordinance No. BG2007 - 22 was read by the Assistant City Manager/City Clerk. Motion was made by Strow and seconded by Denning for first reading of said Ordinance. City-County Planning Commission Director Steve Hunter provided an overview of the recommended rezoning and associated binding elements. He also responded to questions regarding the zoning designations of surrounding properties, the affect of rezoning on the neighboring residential property values and the policies of the Comprehensive Plan. Comm. Nash expressed concern regarding the compatibility of the zone change and its affect on the neighboring residents. Mr. Hunter agreed to provide information regarding the number of zoning requests received by the Planning Commission in a year's time and the average number that get approved versus not approved. Mayor Walker asked for additional discussion, and with none, a roll call vote was taken.

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

First reading of Ordinance No. BG2007 - 22 was approved by majority vote. Comm. Wilkerson disclosed that his parents lived close to the area where the rezoning was requested.

MUNICIPAL ORDER NO. 2007 - 174

MUNICIPAL ORDER AUTHORIZING THE MAYOR TO EXECUTE A LEASE AGREEMENT WITH DOWNTOWN REDEVELOPMENT

AUTHORITY, INC. TO LEASE FOUNTAIN SQUARE PARK AND DESIGNATED CITY STREETS AND SIDEWALKS FOR CONCERTS IN THE PARK AND OTHER DRA EVENTS

Summary of Municipal Order No. 2007 - 174 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 recommended approval of the annual lease 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. 2007 - 174 was approved by unanimous vote.

BOARD OF COMMISSIONERS COMMENTS

As a point of clarification, City Attorney Gene Harmon and Assistant City Manager/City Clerk Katie Schaller responded to Comm. Strow regarding the ability for a Board member to abstain and the requirement to disclose the reason for abstaining.

CLOSED SESSION

Following a brief recess to clear the Commission Chamber, the Board of Commissioners met in closed session pursuant to KRS 61.810 (b), (f) and (g) 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 8:40 p.m., Mayor Walker declared this meeting adjourned.

ADOPTED: _____

APPROVED: _____
Mayor, Chairman of Board of Commissioners

ATTEST: _____
City Clerk

Minutes prepared by Assistant City Manager/City Clerk Katie Schaller