

**MINUTES of REGULAR MEETING
of the BOARD of COMMISSIONERS
of the CITY of BOWLING GREEN, KENTUCKY
held SEPTEMBER 6, 2011**

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 6, 2011. Mayor Joe W. Denning 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 Melinda M. Hill, Commissioner Brian "Slim" Nash, Commissioner Bill Waltrip, Commissioner Bruce Wilkerson and Mayor Joe W. Denning. Absent: none. There was a full quorum of the Board of Commissioners.

ANNOUNCEMENTS & RECOGNITIONS

Mayor Denning announced the recent retirements of Fire Company Commander James Donnelly with 20 years of service and Master Police Officer James Napper with 15 years of service.

During the discussion of Municipal Order No. 2011 - 177 held later in the meeting, Fire Chief Greg Johnson announced that the Fire and Police Departments and EMS will be hosting a joint Memorial Service on Sunday, September 11, 2011 at 8:30 a.m. to commemorate the 10th Anniversary of 9/11. He invited the City officials, employees, families, friends and public to attend the service to be held at Fire Station No. 1 (Headquarters) located at 701 E 7th Avenue.

CHANGE ORDER OF AGENDA

Mayor Denning asked for the courtesy of changing the order of the agenda to dispense with all personnel related items at this time. With no objections, items 3-7 (Municipal Order Nos. 2011 - 168 through 2011 - 172) were moved to the top of the agenda for consideration.

MUNICIPAL ORDER NO. 2011 - 168

**MUNICIPAL ORDER APPROVING THE PROMOTIONS OF
MELVIN E. NORRIS TO THE POSITION OF COMPANY
COMMANDER/EMT AND BRIAN E. CHAMBERS TO THE
POSITION OF FIRE APPARATUS OPERATOR/EMT IN THE FIRE
DEPARTMENT**

Summary of Municipal Order No. 2011 - 168 was read by the Assistant City Manager/City Clerk. Motion was made by Wilkerson and seconded by Waltrip for consideration of said Municipal Order. DeFebbo indicated a recent retirement provided an opportunity for promotion. Fire Chief Greg Johnson reviewed the qualifications for the two individuals and recommended the promotions. Mayor Denning asked for additional discussion, and with none, a roll call vote was taken.

ROLL CALL: Voting Yea: Hill, Nash, Waltrip, Wilkerson and Denning
 Voting Nay: None

Municipal Order No. 2011 - 168 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2011 - 169

MUNICIPAL ORDER APPROVING THE PROBATIONARY APPOINTMENTS OF TODD B. COMBS, CHRISTOPHER S. DURBIN, C. DUSTIN JONES, C. WILLIAM MEINHARDT, JEFFREY S. QUEEN AND D. SCOTT SHEHAN TO THE POSITION OF FIREFIGHTER IN THE FIRE DEPARTMENT

Summary of Municipal Order No. 2011 - 169 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 application process and recommended the appointments. Mayor Denning asked for additional discussion, and with none, a roll call vote was taken.

ROLL CALL: Voting Yea: Hill, Nash, Waltrip, Wilkerson and Denning
 Voting Nay: None

Municipal Order No. 2011 - 169 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2011 - 170

MUNICIPAL ORDER APPROVING THE PROBATIONARY APPOINTMENT OF LARRY A. ZUNIGA TO THE POSITION OF POLICE OFFICER IN THE POLICE DEPARTMENT

Summary of Municipal Order No. 2011 - 170 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 applicant's qualifications and recommended the appointment. Mayor Denning asked for additional discussion, and with none, a roll call vote was taken.

ROLL CALL: Voting Yea: Hill, Nash, Waltrip, Wilkerson and Denning
 Voting Nay: None

Municipal Order No. 2011 - 170 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2011 - 171

MUNICIPAL ORDER APPROVING THE PROBATIONARY APPOINTMENT OF CATHERINE P. MARONEY TO THE POSITION OF COMMUNITY CENTER COORDINATOR IN THE PARKS AND RECREATION DEPARTMENT

Summary of Municipal Order No. 2011 - 171 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 explained a recent promotion created a vacancy, and he recommended the appointment. Mayor Denning asked for additional discussion, and with none, a roll call vote was taken.

ROLL CALL: Voting Yea: Hill, Nash, Waltrip, Wilkerson and Denning
 Voting Nay: None

Municipal Order No. 2011 - 171 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2011 - 172

MUNICIPAL ORDER APPROVING THE PROBATIONARY APPOINTMENT OF GORDANA HASANAGIC TO THE POSITION OF HOUSING RECERTIFICATION SPECIALIST IN THE NEIGHBORHOOD AND COMMUNITY SERVICES DEPARTMENT

Summary of Municipal Order No. 2011 - 172 was read by the Assistant City Manager/City Clerk. Motion was made by Wilkerson and seconded by Nash for consideration of said Municipal Order. With an increased work load in Section 8 housing certifications, Mr. DeFebbo identified that an additional position was approved in the Fiscal Year 2012 budget. He reviewed and recommended the appointment to fill the new position. Mayor Denning asked for additional discussion, and with none, a roll call vote was taken.

ROLL CALL: Voting Yea: Hill, Nash, Waltrip, Wilkerson and Denning
 Voting Nay: None

Municipal Order No. 2011 - 172 was approved by unanimous vote.

RESUME REGULAR ORDER OF AGENDA

CITY MANAGER

City Manager Kevin D. DeFebbo requested a closed session for the purpose of discussion of proposed and pending litigation against the City and pending litigation on behalf of the City, and discussions which might lead to the discipline or dismissal of individual employees without restricting the employees' right to a public hearing if requested. Motion was made by Wilkerson and seconded by Waltrip to convene in closed session following the regular meeting pursuant to KRS 61.810 (1) (c) and (f). Denning called for roll call vote.

ROLL CALL: Voting Yea: Hill, Nash, Waltrip, Wilkerson and Denning
 Voting Nay: None

Motion to convene in closed session pursuant to KRS 61.810 (1) (c) and (f) was approved by unanimous vote.

COVINGTON STREET STORMWATER PROJECT PRESENTATION

In response to some requests for clarification and involvement by the neighborhood in the final design of the Covington/Batsel Stormwater Mitigation Project, Mr. DeFebbo indicated he had requested Public Works staff to present the project information again for review and consideration. He suggested that the Board allow citizen comments before staff proceeded.

Robert L. Baldwin of 614 Covington Street stated he was concerned with the aesthetics of the project, and he asked that the Board take its time to make sure the final product would be as pleasing and better looking of a remediation as possible. He also asked to see a rendering of the final design and inquired about the type of fencing that would be used.

Vandalyn Hooks of 611 Wakefield Drive reported that since the completion of the Potter-Gray Elementary School improvements, drainage issues had become more of a problem for her and two

other neighbors on Wakefield Drive. She indicated she had discussed the problems with the school and she wanted the City to have the problem fixed.

Roger Batsel of 1302 Batsel Avenue remarked he believed the City would make the area as aesthetically beautiful as possible. However, he requested that the City make the drainage basin as big and as deep as it could possibly be, and he said he was willing to contribute half an acre from his property if it would help in that regard.

Public Works Director Jeff Lashlee and Civil Engineer II Kyle Hunt thanked everyone for their comments and they proceeded to respond to questions and address the voiced concerns. Mr. Lashlee affirmed that everyone's goals were aligned for the finished product to blend in and not be an eyesore. Mr. Hunt reviewed the scope of the preferred project design, referred to as Alternate #1 which provided for the largest basin size and depth. He responded to questions about the watershed in that area and the impact the project might have on any identified flood zone area.

With regard to Ms. Hooks' comments, Mr. Lashlee agreed that this project would not address her issues. However, he stated he would follow up with Ms. Hooks to see what could be done.

Continuing the discussion about the Covington/Batsel project design, Mr. Hunt provided some examples of fencing options and proposed vegetation/plantings intended to surround the basin and help it blend into the neighborhood. Parks and Recreation Director Ernie Gouvas described the type of fencing installed around Pioneer Cemetery, which included five foot tall black vinyl fencing materials with brick columns. Comm. Waltrip remarked that he preferred the appearance of that type of fencing versus one of the examples shown of white vinyl fencing used around a drainage basin on Ashmoor Avenue.

Dawn Heers of 621 Covington Avenue remarked that she did not like the look of a six foot tall fence without brick columns. Since she resides directly across the street, she voiced concern about the final appearance of the basin not holding up to the beauty and history of the neighborhood. She also remarked that she did not want the fence or basin to be located close to the sidewalk and suggested that it be pushed back as far as possible.

Commissioners Nash and Waltrip indicated that they supported the use of brick columns for the portion of fencing that would be located along the road frontage side of the project. Mr. Hunt commented that the fence would be located as far away from the sidewalk as possible without impacting the capacity of the basin.

Mr. DeFebbo recommended that staff proceed with bidding the project to get actual costs for the various enhancements and to determine the ultimate affordability of Alternate #1, which was currently estimated to exceed the available project budget.

Lou Alice Witty of 662 Covington Street commented that she had seen too much water get into her house over the years. She expressed concerns that if the basin and subsequent fencing was moved back too far, it would not hold enough water. She urged the City to make the basin as big as possible to maximize the amount of water it would hold.

Mayor Denning stated that he believed this project was needed and that it was essential to get it done as soon as possible. He thanked everyone for their comments and participation in the process.

APPROVAL OF MINUTES

Minutes of Regular Meeting August 16, 2011

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 Waltrip to approve said minutes as written. Mayor Denning asked for discussion, and with none, a roll call vote was taken.

ROLL CALL: Voting Yea: Hill, Nash, Waltrip, Wilkerson and Denning
 Voting Nay: None

Motion to approve the minutes of the regular meeting of August 16, 2011 was approved by unanimous vote.

PUBLIC COMMENTS

Mayor Denning opened the floor for any public comments regarding other issues or matters that were not included on this agenda, and there were none.

REGULAR AGENDA

ORDINANCE NO. BG2011 - 37 (Second Reading)

ORDINANCE CREATING INTERLOCAL AGREEMENT WITH WARREN COUNTY

ORDINANCE CREATING AND APPROVING INTERLOCAL COOPERATION AGREEMENT WITH WARREN COUNTY RELATED TO PUBLIC SAFETY MOBILE RADIO COMMUNICATIONS SYSTEM

Title and summary of Ordinance No. BG2011 - 37 was read by the Assistant City Manager/City Clerk. Motion was made by Hill and seconded by Wilkerson for second reading of said Ordinance. Mayor Denning asked for discussion, and with none, a roll call vote was taken.

ROLL CALL: Voting Yea: Hill, Nash, Waltrip, Wilkerson and Denning
 Voting Nay: None

Ordinance No. BG2011 - 37 was adopted by unanimous vote.

ORDINANCE NO. BG2011 - 38 (Second Reading)

ORDINANCE REZONING REAL ESTATE

ORDINANCE REZONING A TRACT OF LAND CONTAINING 0.774 ACRE FROM HB (HIGHWAY BUSINESS) TO RM-4 (MULTI- FAMILY RESIDENTIAL) LOCATED AT 300 SEYMOUR DRIVE, WITH BINDING ELEMENTS, PRESENTLY OWNED BY CHARLES AND BARBARA ENGLISH

Title and summary of Ordinance No. BG2011 - 38 was read by the Assistant City Manager/City Clerk. Motion was made by Waltrip and seconded by Wilkerson for second reading of said Ordinance. Mayor Denning asked for discussion, and with none, a roll call vote was taken.

ROLL CALL: Voting Yea: Hill, Nash, Waltrip, Wilkerson and Denning
 Voting Nay: None

Ordinance No. BG2011 - 38 was adopted by unanimous vote.

MUNICIPAL ORDER NO. 2011 - 173

MUNICIPAL ORDER AUTHORIZING AND ACCEPTING BID #2012-03 FOR TRANSPARK MAINTENANCE FROM LKJ CRABBE, INC. OF BOWLING GREEN, KENTUCKY AND TRUGREEN/CHEMLAWN OF BOWLING GREEN, KENTUCKY IN THE TOTAL AMOUNT OF \$26,186

Summary of Municipal Order No. 2011 - 173 was read by the Assistant City Manager/City Clerk. Motion was made by Wilkerson and seconded by Waltrip for consideration of said Municipal Order. DeFebbo explained that the City was responsible for maintenance of public areas in the Transpark by agreement, and he recommended the bid award. Mayor Denning asked for additional discussion, and with none, a roll call vote was taken.

ROLL CALL: Voting Yea: Hill, Nash, Waltrip, Wilkerson and Denning
 Voting Nay: None

Municipal Order No. 2011 - 173 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2011 - 174

MUNICIPAL ORDER APPROVING LEASE AGREEMENT WITH DEBORAH BERNIER D/B/A ROCKY'S FOR LEASE OF A PORTION OF THE PUBLIC SIDEWALK LOCATED AT 308 E. MAIN AVENUE

Summary of Municipal Order No. 2011 - 174 was read by the Assistant City Manager/City Clerk. Motion was made by Waltrip and seconded by Hill for consideration of said Municipal Order. Pursuant to sidewalk leasing protocol, Mr. DeFebbo recommended approval of the agreement. Mayor Denning asked for additional discussion, and with none, a roll call vote was taken.

ROLL CALL: Voting Yea: Hill, Nash, Waltrip, Wilkerson and Denning
 Voting Nay: None

Municipal Order No. 2011 - 174 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2011 - 175

MUNICIPAL ORDER ADOPTING MODERN AND ACCURATE LEGAL DESCRIPTION OF TERRITORY PREVIOUSLY ANNEXED BY ORDINANCE

Summary of Municipal Order No. 2011 - 175 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 and recommended approval of the housekeeping item to update the legal description for the previously adopted annexation Ordinance No. BG83-37, which was requested by the Kentucky Office of Secretary of State. Mayor Denning asked for additional discussion, and with none, a roll call vote was taken.

ROLL CALL: Voting Yea: Hill, Nash, Waltrip, Wilkerson and Denning
 Voting Nay: None

Municipal Order No. 2011 - 175 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2011 - 176

**MUNICIPAL ORDER APPROVING A SUBSTANTIAL
AMENDMENT TO THE ANNUAL ACTION PLAN FOR YEAR 5
FOR THE COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG)
ENTITLEMENT PROGRAM**

Summary of Municipal Order No. 2011 - 176 was read by the Assistant City Manager/City Clerk. Motion was made by Waltrip and seconded by Wilkerson for consideration of said Municipal Order. DeFebbo recounted the public hearing that took place at the August 16th meeting regarding the reprogramming of \$225,900 of CDBG funds to invest in facility improvements at Parker-Bennett Community Center and Pedigo Park. Comm. Nash expressed his appreciation to Neighborhood and Community Services Director Brent Childers and Parks and Recreation Director Ernie Gouvas for their efforts to improve the parks on the west side of town, and in particular for the proposed improvements to the little league field at Pedigo Park. Mayor Denning asked for additional discussion, and with none, a roll call vote was taken.

ROLL CALL: Voting Yea: Hill, Nash, Waltrip, Wilkerson and Denning
 Voting Nay: None

Municipal Order No. 2011 - 176 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2011 - 177

**MUNICIPAL ORDER AUTHORIZING THE SUBMISSION OF AN
APPLICATION FOR HOMELAND SECURITY GRANT FUNDS
THROUGH THE FEDERAL EMERGENCY MANAGEMENT
AGENCY ASSISTANCE FOR FIREFIGHTERS GRANT PROGRAM
FOR THE PURCHASE OF A FIRE TRUCK EXHAUST SYSTEM
FOR THE FIRE DEPARTMENT IN THE AMOUNT NOT TO
EXCEED \$112,429**

Summary of Municipal Order No. 2011 - 177 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 explained that the City tries to maximize the use of other people's money whenever possible, with this grant being a representation of such an opportunity. He recommended the submission of the grant application which requires a 20% match from the City. Mayor Denning asked for additional discussion, and with none, a roll call vote was taken.

ROLL CALL: Voting Yea: Hill, Nash, Waltrip, Wilkerson and Denning
 Voting Nay: None

Municipal Order No. 2011 - 177 was approved by unanimous vote.

ORDINANCE NO. BG2011 - 39

(First Reading)

ORDINANCE CLOSING A PUBLIC RIGHT-OF-WAY

ORDINANCE APPROVING THE CLOSING OF AN ALLEY
LOCATED BETWEEN 126 AND 134 CHESTNUT STREET

Title and summary of Ordinance No. BG2011 - 39 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 specified this was a recommendation from the City-County Planning Commission. Mayor Denning asked for discussion, and with none, a roll call vote was taken.

ROLL CALL: Voting Yea: Hill, Nash, Waltrip, Wilkerson and Denning
 Voting Nay: None

First reading of Ordinance No. BG2011 - 39 was approved by unanimous vote.

ORDINANCE NO. BG2011 - 40

(First Reading)

ORDINANCE APPROVING COMPREHENSIVE PLAN

ORDINANCE APPROVING THE BOWLING GREEN / WARREN
COUNTY FOCUS 2030 COMPREHENSIVE PLAN
RECOMMENDED BY THE CITY-COUNTY PLANNING
COMMISSION

Title and summary of Ordinance No. BG2011 - 40 was read by the Assistant City Manager/City Clerk. Motion was made by Wilkerson and seconded by Waltrip for consideration of first reading for said Ordinance. DeFebbo recounted that the area communities in Warren County had been working on an updated Comprehensive Plan for the last few years. City Attorney Gene Harmon explained that this ordinance was for consideration of the original Plan as recommended by the City-County Planning Commission. He reviewed the protocol for the Board of Commissioners to amend the Plan as the other jurisdictions in Warren County have already done. He pointed out that a draft ordinance to incorporate the amendment language had been prepared for the Board's consider.

Motion was made by Hill and seconded by Waltrip to amend Ordinance No. BG2011 - 40 to incorporate the amendments to the Comprehensive Plan that were adopted by Warren County Fiscal Court and other participating jurisdictions and as presented in the draft ordinance. Mayor Denning asked for discussion about the amendment, and with none, a roll call vote was taken.

ROLL CALL: Voting Yea: Hill, Nash, Waltrip, Wilkerson and Denning
 Voting Nay: None

Motion to amend Ordinance No. BG2011 - 40 was approved by unanimous vote.

ORDINANCE NO. BG2011 - 40

(First Reading As Amended)

ORDINANCE APPROVING COMPREHENSIVE PLAN

ORDINANCE APPROVING THE BOWLING GREEN / WARREN
COUNTY FOCUS 2030 COMPREHENSIVE PLAN

RECOMMENDED BY THE CITY-COUNTY PLANNING
COMMISSION AND AS AMENDED BY PARTICIPATING
JURISDICTIONS

Motion was made by Hill and seconded by Waltrip for first reading of said Ordinance as amended. With no additional discussion, a roll call vote was taken.

ROLL CALL: Voting Yea: Hill, Nash, Waltrip, Wilkerson and Denning
Voting Nay: None

First reading of Ordinance No. BG2011 - 40 as amended was approved by unanimous vote.

ORDINANCE NO. BG2011 - 41

(First Reading)

ORDINANCE RELATING TO PROPERTY TAX RATES

ORDINANCE SETTING 2011 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. BG2011 - 41 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 clarified that the property tax rate must be set each year and he referred to Chief Financial Officer Jeff Meisel to present the staff recommendation. Mr. Meisel reported that based on the assessed values provided by the Property Valuation Administrator's office, the real estate values in the City only grew by a total of 1.4% (new property growth of 0.9% and existing property growth of 0.5%) from the previous year. He proposed to keep the property tax rate for 2011 the same as it was for 2010, \$0.206 per \$100 of assessed value. However, since the total growth was slightly less than last year (1.6%), Mr. Meisel stated that anticipated revenues may fall short of the estimated budget for Fiscal Year 2012, which was budgeted at the same amount as the Fiscal Year 2011 adopted budget, and would be carefully watched. Mr. Meisel further proposed to leave the personal property tax rate at \$0.260 per \$100 of assessed value.

In addition, Mr. Meisel reported that if a 4% growth rate was taken by the City, which was permitted by House Bill 44 (KRS 132), the rate would have gone to \$0.213. He mentioned that both the school districts voted to increase their respective property tax rates for 2011. Since the City collects the Bowling Green Independent School District's property taxes, Mr. Meisel pointed out that property owners in that district would see an increase on their tax bills for which the City has no control over. He commented about the difference from the Warren County School District which was not collected by the City. Comm. Nash reiterated that the increase by the school districts had nothing to do with the City's legislative body and the City simply collected taxes for the Bowling Green School District as a courtesy (note: the City receives an administrative fee for this service at 2% of the total amount collected for the city school district).

Finally, Mr. Meisel informed the Board and public that staff was working on implementing the capability for property tax bills to be paid on-line starting with this year. He also specified that the deadline for taxes to be paid was December 31, 2011 and a 10% penalty would be added for any

payments received or postmarked after that date. Once all the discussion ended, a roll call vote was taken.

ROLL CALL: Voting Yea: Hill, Nash, Waltrip, Wilkerson and Denning
 Voting Nay: None

First reading of Ordinance No. BG2011 - 41 was approved by unanimous vote.

CLOSED SESSION

Following a brief recess to clear the Commission Chamber, the Board of Commissioners met at approximately 8:15 p.m. in closed session pursuant to KRS 61.810 (1) (c) and (f) as previously approved. Mr. DeFebbo confirmed that no action would follow the discussion.

ADJOURNMENT

Once all discussion concluded in closed session and there being no further business to come before the Board of Commissioners, at approximately 9:20 p.m., Mayor Denning 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) an update of Scott Waste Services related to brush and yard waste pickup for City residents from Acting District Manager Bill Ketchum and Operations Manager Mike Moore, as well as recycling services from Warren County Environmental Coordinator Stan Reagan; 2) a review of issues with obstructions on City rights-of-way, including types of obstructions, regulations against obstructions and enforcement procedures; and 3) an overview of proposed revisions to the Purchasing Policies and Procedures Manual. With the absence of Comm. Nash, the Board postponed continued discussion of local vendor preference in purchasing. There was also discussion regarding future work session topics, and the process and procedure related to street cut maintenance.

ADOPTED: _____

APPROVED: _____
Mayor, Chairman of Board of Commissioners

ATTEST: _____
City Clerk