

**MINUTES of REGULAR MEETING
of the BOARD of COMMISSIONERS
of the CITY of BOWLING GREEN, KENTUCKY
held AUGUST 5, 2008**

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 August 5, 2008. Mayor Elaine N. Walker called the meeting to order. An invocation was given by Imran Hussain of the Islamic Center, 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 K. Strow, Commissioner Bruce Wilkerson, Commissioner Joe W. Denning, Commissioner Brian "Slim" Nash and Mayor Elaine N. Walker. Absent: none. There was a full quorum of the Board of Commissioners.

AWARDS

Mayor Walker announced that the Finance Department was recently awarded a Certificate of Achievement for Excellence in Financial Reporting for its Comprehensive Annual Financial Report for Fiscal Year 2007 from the Government Finance Officers Association of the United States and Canada.

CITY MANAGER

City Manager Kevin D. DeFebbo welcomed Police Officer Wade Hughes who was in attendance to provide increased security during the meeting. He requested a closed session for the purpose of discussion regarding 1) 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; 2) proposed and pending litigation against and on behalf of the City; 3) personnel matter which might lead to the discipline or dismissal of an individual employee without restricting that employee's right to a public hearing if requested; and 4) for discussion between the City and a representative of business entities and discussions concerning specific proposals, if open discussions would jeopardize the siting, retention, expansion or upgrading of the businesses. Motion was made by Wilkerson and seconded by Nash to convene in closed session following the regular meeting pursuant to KRS 61.810 (b), (c), (f) and (g). Walker called for roll call vote.

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

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

APPROVAL OF MINUTES

Minutes of Regular Meeting July 15, 2008 and Special Meeting July 18, 2008

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

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

Motion to approve the minutes of the regular meeting of July 15, 2008 and special meeting of July 18, 2008 was approved by unanimous vote.

PUBLIC COMMENTS

Jane Shreve, resident of Callaway Gardens, requested that no additional sidewalks be built on Wilkinson Trace. She noted that sidewalks already exist on one side of the street and that the area residents did not want to lose any green space with the addition of sidewalks on the other side of the street.

RECOGNITIONS

Mayor Walker recognized Boy Scout Turner Burns who was attending the meeting to obtain a merit badge.

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. 2008 – 195

MUNICIPAL ORDER AUTHORIZING ACCEPTANCE OF GRANT FUNDS FROM THE COMMONWEALTH OF KENTUCKY, JUSTICE AND PUBLIC SAFETY CABINET FOR OVERTIME TRAFFIC ALCOHOL PATROL (TAP) THROUGH THE 2008-2009 LAW ENFORCEMENT SERVICE FEE PROGRAM IN THE AMOUNT OF \$14,191

MUNICIPAL ORDER NO. 2008 – 196

MUNICIPAL ORDER AUTHORIZING AND APPROVING THE ANNUAL DUES PAYMENT IN THE AMOUNT OF \$26,745 TO BARREN RIVER AREA DEVELOPMENT DISTRICT (BRADD) FOR FISCAL YEAR 2009

Motion was made by Wilkerson 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: Strow, Wilkerson, Denning, Nash and Walker
 Voting Nay: None

Motion to accept the Consent Agenda as presented was approved by unanimous vote.

REGULAR AGENDA

ORDINANCE NO. BG2008 - 39

(Second Reading)

ORDINANCE CLOSING A PUBLIC RIGHT-OF-WAY

ORDINANCE APPROVING THE CLOSING OF A PORTION OF
FAIRMONT AVENUE

Title and summary of Ordinance No. BG2008 - 39 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: Strow, Wilkerson, Denning, Nash and Walker
 Voting Nay: None

Ordinance No. BG2008 - 39 was adopted by unanimous vote.

ORDINANCE NO. BG2008 - 40

(Second Reading)

ORDINANCE RELATING TO BUDGET AMENDMENT

ORDINANCE APPROVING AMENDMENT NUMBER FOUR TO
THE CITY OF BOWLING GREEN, KENTUCKY ANNUAL
OPERATING BUDGET FOR FISCAL YEAR 2008

Title and summary of Ordinance No. BG2008 - 40 was read by the Assistant City Manager/City Clerk. Motion was made by Wilkerson 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: Strow, Wilkerson, Denning, Nash and Walker
 Voting Nay: None

Ordinance No. BG2008 - 40 was adopted by unanimous vote.

ORDINANCE NO. BG2008 - 41

(Second Reading)

ORDINANCE AMENDING CODE OF ORDINANCES

ORDINANCE AMENDING CHAPTER 2 (ADMINISTRATION),
SUBCHAPTER 2-17 (HUMAN RIGHTS COMMISSION) OF THE
CITY OF BOWLING GREEN CODE OF ORDINANCES TO REVISE
THE COMPOSITION REQUIREMENTS OF THE HUMAN RIGHTS
COMMISSION

Title and summary of Ordinance No. BG2008 - 41 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: Strow, Wilkerson, Denning, Nash and Walker
 Voting Nay: None

Ordinance No. BG2008 - 41 was adopted by unanimous vote.

MUNICIPAL ORDER NO. 2008 - 197

MUNICIPAL ORDER APPROVING THE TRANSFER OF WANDA FAYE PALAZZI FROM THE POSITION OF ADMINISTRATIVE ASSISTANT TO THE POSITION OF GRANTS ASSOCIATE IN THE POLICE DEPARTMENT

Summary of Municipal Order No. 2008 - 197 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 position opening from a recent resignation. Police Chief Doug Hawkins recommended the transfer. Mayor Walker asked for additional discussion, and with none, a roll call vote was taken.

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

Municipal Order No. 2008 - 197 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2008 - 198

MUNICIPAL ORDER APPROVING THE PROMOTION OF DAVID WAYNE WILBERT TO THE POSITION OF OPERATIONS AND MAINTENANCE TECHNICIAN II IN THE PUBLIC WORKS DEPARTMENT, OPERATIONS DIVISION

Summary of Municipal Order No. 2008 - 198 was read by the Assistant City Manager/City Clerk. Motion was made by Nash and seconded by Wilkerson for consideration of said Municipal Order. DeFebbo commented about the previously adopted career path program. Public Works Director Emmett Wood reviewed the qualifications and recommended the promotion. Mayor Walker asked for additional discussion, and with none, a roll call vote was taken.

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

Municipal Order No. 2008 - 198 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2008 - 199

MUNICIPAL ORDER APPROVING THE PROMOTION OF BENJAMIN THOMAS STOREY TO THE POSITION OF FIRE APPARATUS OPERATOR/EMT IN THE FIRE DEPARTMENT

Summary of Municipal Order No. 2008 - 199 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 reviewed the position opening from a recent retirement. Deputy Fire Chief John Weatherbee recommended the promotion. Mayor Walker asked for additional discussion, and with none, a roll call vote was taken.

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

Municipal Order No. 2008 - 199 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2008 – 200

MUNICIPAL ORDER APPROVING THE PROMOTION OF JEFFREY ALLEN WALDEN TO THE POSITION OF OPERATIONS AND MAINTENANCE TECHNICIAN III IN THE PUBLIC WORKS DEPARTMENT, OPERATIONS DIVISION

Summary of Municipal Order No. 2008 - 200 was read by the Assistant City Manager/City Clerk. Motion was made by Nash and seconded by Wilkerson for consideration of said Municipal Order. DeFebbo explained that this promotion was also based on the approved career path program. Public Works Director Emmett Wood reviewed the qualifications and recommended the promotion. Mayor Walker asked for additional discussion, and with none, a roll call vote was taken.

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

Municipal Order No. 2008 - 200 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2008 – 201

MUNICIPAL ORDER APPROVING THE PROMOTION OF DENISE LOUISE HILL TO THE POSITION OF COMMUNITY CENTER SUPERVISOR IN THE PARKS AND RECREATION DEPARTMENT

Summary of Municipal Order No. 2008 - 201 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 the recent opening was due to a resignation. Parks and Recreation Director Ernie Gouvas reviewed the qualification and recommended the promotion. Mayor Walker asked for additional discussion, and with none, a roll call vote was taken.

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

Municipal Order No. 2008 - 201 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2008 – 202

MUNICIPAL ORDER AUTHORIZING AND ACCEPTING BID #2008-39 FOR SOUTH CAMPUS GREENWAYS, PHASE II, DIVISION “A” GREENWAYS AND “B” SIDEWALKS FROM SCOTT & MURPHY, INC. OF BOWLING GREEN, KENTUCKY IN THE TOTAL AMOUNT OF \$661,307.75

Summary of Municipal Order No. 2008 - 202 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 recommended bid award. City-County Planning Commission Staff Engineer Mac Yowell reviewed the project and collaboration among the City, Warren County, Western Kentucky University, Kentucky Transportation Cabinet and the Greenways Commission to provide the necessary funding. Mayor Walker asked for additional discussion, and with none, a roll call vote was taken.

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

Municipal Order No. 2008 - 202 was approved by majority vote. Comm. Denning is employed by Scott & Murphy, Inc.

MUNICIPAL ORDER NO. 2008 - 203

MUNICIPAL ORDER AUTHORIZING THE PURCHASE OF PARTS AND EQUIPMENT REQUIRED FOR THE TRAFFIC SIGNAL PRE-EMPTION PROJECT FROM TRAFFIC CONTROL PRODUCTS OF CLEVELAND, OHIO IN THE AMOUNT OF \$31,375

Summary of Municipal Order No. 2008 - 203 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 recommended the purchase which would be part of the downtown signalization improvement project. Mayor Walker asked for additional discussion, and with none, a roll call vote was taken.

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

Municipal Order No. 2008 - 203 was approved by unanimous vote.

ORDINANCE NO. BG2008 - 42

(First Reading)

ORDINANCE ANNEXING PROPERTY

ORDINANCE ANNEXING UNINCORPORATED TERRITORY CONTAINING APPROXIMATELY 15.44 ACRES IN THE WHITESBORO SUBDIVISION IN THE VICINITY OF CAVE MILL ROAD AND SMALLHOUSE ROAD, WITH ALL SUCH TERRITORY BEING CONTIGUOUS TO EXISTING CITY LIMITS

Title and summary of Ordinance No. BG2008 - 42 was read by the Assistant City Manager/City Clerk. Motion was made by Denning and seconded by Wilkerson for first reading of said Ordinance. DeFebbo indicated that this was the final step in the process for annexation of property which included one property owner who did not consent to the annexation. Citizen Information and Assistance Director Michael Grubbs explained the process for annexation and reviewed the development proposal for a portion of the property being annexed. Mayor Walker asked for additional discussion, and with none, a roll call vote was taken.

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

First reading of Ordinance No. BG2008 - 42 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2008 - 204

MUNICIPAL ORDER APPROVING THE SLOAN CONVENTION CENTER EVENT PARKING LOT DEVELOPMENT AND

MAINTENANCE AGREEMENT WITH THE BOWLING GREEN
HOTEL AND MOTEL ASSOCIATION, INC.

Summary of Municipal Order No. 2008 - 204 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 that this agreement had previously been approved by the Convention Center Corporation and now required approval by the Board of Commissioners. Mayor Walker asked for additional discussion, and with none, a roll call vote was taken.

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

Municipal Order No. 2008 - 204 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2008 - 205

MUNICIPAL ORDER APPROVING AND AUTHORIZING
EXECUTION OF AN AGREEMENT WITH THE
COMMONWEALTH OF KENTUCKY, OFFICE OF HOUSING,
BUILDINGS AND CONSTRUCTION RELATED TO THE
GRANTING OF ADDITIONAL RESPONSIBILITY FOR PLAN
REVIEW AND INSPECTIONS

Summary of Municipal Order No. 2008 - 205 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 agreement, which was renewable every three years. Chief Building Inspector Glenn Burns responded to a question about plumbing inspections performed exclusively by State officials. Mayor Walker asked for additional discussion, and with none, a roll call vote was taken.

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

Municipal Order No. 2008 - 205 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2008 - 206

MUNICIPAL ORDER APPROVING CONSTRUCTION AND
ACCEPTING MAINTENANCE OF VARIOUS STREETS IN
GREYSTONE SUBDIVISION, SECTION FOUR

Summary of Municipal Order No. 2008 - 206 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 recommended acceptance of street maintenance. City-County Planning Commission Staff Engineer Mac Yowell confirmed that Section Four was completely built out and that construction was in progress on other sections. Mayor Walker asked for additional discussion, and with none, a roll call vote was taken.

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

Municipal Order No. 2008 - 206 was approved by unanimous vote.

ORDINANCE NO. BG2008 - 43
(First Reading)
ORDINANCE CLOSING A PUBLIC RIGHT-OF-WAY

ORDINANCE APPROVING THE CLOSING OF THREE UNNAMED
ALLEYS WITHIN BLOCK "8" OF THE TIF DISTRICT

Title and summary of Ordinance No. BG2008 - 43 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 reviewed the need to reconfigure the development area for the ballpark. He stated that the closing was unanimously approved by the City-County Planning Commission. Mayor Walker asked for additional discussion, and with none, a roll call vote was taken.

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

First reading of Ordinance No. BG2008 - 43 was approved by unanimous vote.

ORDINANCE NO. BG2008 - 44
(First Reading)
ORDINANCE REZONING REAL ESTATE

ORDINANCE REZONING BLOCKS "4" AND "6" OF THE TIF
DISTRICT CONTAINING 6.76 ACRES FROM CB (CENTRAL
BUSINESS) AND GB (GENERAL BUSINESS) TO PUD (PLANNED
UNIT DEVELOPMENT), WITH BINDING ELEMENTS,
PRESENTLY OWNED BY TEG ACQUISITIONS, LLC ET AL

Title and summary of Ordinance No. BG2008 - 44 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 stated that the City-County Planning Commission unanimously recommended approval of this rezoning. Mayor Walker asked for additional discussion, and with none, a roll call vote was taken.

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

First reading of Ordinance No. BG2008 - 44 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2008 - 168

MUNICIPAL ORDER APPROVING AN AGREEMENT FOR THE
CONVEYANCE OF PROPERTY LOCATED AT 728 AND 730
COLLEGE STREET RELATED TO THE WKU GATEWAY TO
DOWNTOWN BOWLING GREEN DEVELOPMENT PROJECT

Summary of Municipal Order No. 2008 - 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 indicated that this item was previously withdrawn to address some issues and those issues have now be resolved. City Attorney Gene Harmon explained that this property was located in Block "4" of the TIF District. He reviewed the stipulations regarding the conveyance of property to the

Warren County Downtown Economic Development Authority and that the Authority was responsible for demolition and all fees associated with the transfer of ownership. Mayor Walker asked for additional discussion, and with none, a roll call vote was taken.

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

Municipal Order No. 2008 - 168 was approved by unanimous vote.

CLOSED SESSION

Following a brief recess to clear the Commission Chamber, the Board of Commissioners met in closed session at approximately 7:35 p.m. pursuant to KRS 61.810 (b), (c), (f) and (g) as previously approved.

RECONVENE IN OPEN SESSION

Once all discussion concluded in closed session, the Board of Commissioners reconvened in open session at approximately 8:40 p.m. to consider action. Motion was made by Nash and seconded by Wilkerson to add Municipal Order No. 2008 – 207 to the agenda for consideration. With no discussion, a roll call vote was taken.

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

Motion to add Municipal Order No. 2008 – 207 to the agenda was approved by unanimous vote.

MUNICIPAL ORDER NO. 2008 – 207

MUNICIPAL ORDER APPROVING A JOB DEVELOPMENT INCENTIVE FUND EMPLOYEE WITHHOLDINGS CREDIT AGREEMENT WITH METALS-N-MORE

Summary of Municipal Order No. 2008 - 207 was read by the Assistant City Manager/City Clerk. Motion was made by Nash and seconded by Denning 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: Strow, Wilkerson, Denning, Nash and Walker
 Voting Nay: None

Municipal Order No. 2008 - 207 was approved by unanimous vote.

ADJOURNMENT

Once all discussion concluded in closed session and there being no further business to come before the Board of Commissioners, at approximately 8:42 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

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following subjects: 1) draft ordinance prohibiting solicitation of occupants of motor vehicles on public streets; 2) overview and update of Sidewalk Program; and 3) traffic lights on Park Row located at the corners of State Street and College Street. A majority of the Board members concurred with the recommendation by staff that the two traffic lights remain on Park Row for increased pedestrian safety.

ADOPTED: _____

APPROVED: _____
Mayor, Chairman of Board of Commissioners

ATTEST: _____
City Clerk

Minutes prepared by Assistant City Manager/City Clerk Katie Schaller