

**MINUTES of REGULAR MEETING
of the BOARD of COMMISSIONERS
of the CITY of BOWLING GREEN, KENTUCKY
held MARCH 20, 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 March 20, 2007. Mayor Elaine N. Walker called the meeting to order. An invocation was given by Chuck Lane from the Benevolence Ministry at Hillview 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 Brian "Slim" Nash, Commissioner Brian K. Strow, Commissioner Bruce Wilkerson, Commissioner Joe W. Denning 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 March, Ms. Hume presented a combined residential and commercial property award to Western Kentucky University for its efforts in updating and beautifying the campus. Doug Ault, Tom Riley and Greg Fierce of Western Kentucky University accepted the award.

CITY MANAGER

City Manager Kevin D. DeFebbo requested a closed session for the purpose of discussion on the future acquisition or sale of real property by the City as publicity would likely affect the value of the specific piece of property to be acquired for public use or sold by the City, for discussion of proposed or pending litigation against or on behalf of the City, and for discussion between the City and a representative of business entities concerning specific proposals as open discussion would jeopardize the siting, retention, and expansion or upgrading of the businesses. Motion was made by Wilkerson and seconded by Strow to convene in closed session following the regular meeting pursuant to KRS 61.810 (b), (c) and (g). Walker called for roll call vote.

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

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

APPROVAL OF MINUTES

Minutes of Special Meeting March 8, 2007

Minutes of the above-referenced meeting were distributed to the Board of Commissioners with the Agenda for their review. Motion was made by Strow 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: Nash, Strow, Wilkerson, Denning and Walker
 Voting Nay: None

Motion to approve the minutes of the special meeting of March 8, 2007 was approved by unanimous vote.

PUBLIC COMMENTS

Mike Wilson of 51 John Miller Road presented a petition to the Board of Commissioners representing signatures of a number of individuals that were against a smoking ban in public facilities. He stated that it was an infringement on private business owners and that if they wanted to go smoke-free they already had that ability. He suggested that the City poll all the businesses in Bowling Green before making a decision on the issue.

Mike Deville of 700 Iron Bridge Road expressed support for a smoking ban as a public health issue to address the involuntary exposure to second hand smoke. He referenced a study completed by the U.S. Center for Disease Control which suggested evidence regarding hazards to exposure.

Bob Talley of 747B Tara Court spoke against a smoking ban stating that it should be up to the businesses and individuals. He suggested that the issue be placed on a ballot for the voters to decide.

Lorraine Monroe of 660 Crossings Boulevard stated she was a cancer survivor and that she can no longer tolerate being around smoke for fear of a relapse. She asked the Board to consider a smoking ban.

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 - 90

MUNICIPAL ORDER APPROVING THE REAPPOINTMENT OF DAN W. RILEY TO THE BOWLING GREEN AREA CONVENTION AND VISITORS BUREAU

MUNICIPAL ORDER NO. 2007 - 91

MUNICIPAL ORDER APPROVING AND AUTHORIZING OUT-OF-TOWN TRAVEL EXPENSES TO FRANKFORT, KENTUCKY FOR MAYOR ELAINE N. WALKER

MUNICIPAL ORDER NO. 2007 - 92

MUNICIPAL ORDER APPROVING AND AUTHORIZING OUT-OF-TOWN TRAVEL EXPENSES AND REIMBURSEMENT FOR MAYOR ELAINE N. WALKER FOR ATTENDING THE KENTUCKY LEAGUE OF CITIES BOARD MEETING / CITY NIGHT AND MEETINGS WITH STATE LEGISLATORS IN FRANKFORT, KENTUCKY

MUNICIPAL ORDER NO. 2007 - 93

MUNICIPAL ORDER APPROVING AND AUTHORIZING OUT-OF-TOWN TRAVEL EXPENSES FOR COMMISSIONER BRIAN "SLIM" NASH FOR ATTENDING THE KENTUCKY LEAGUE OF CITIES CITY NIGHT AND MEETINGS WITH STATE LEGISLATORS IN FRANKFORT, KENTUCKY

MUNICIPAL ORDER NO. 2007 - 94

MUNICIPAL ORDER APPROVING AND AUTHORIZING OUT-OF-TOWN TRAVEL EXPENSES FOR CITY MANAGER KEVIN D. DEFEBBO FOR ATTENDING THE KENTUCKY LEAGUE OF CITIES CITY NIGHT AND MEETINGS WITH STATE LEGISLATORS IN FRANKFORT, KENTUCKY

MUNICIPAL ORDER NO. 2007 - 95

MUNICIPAL ORDER RATIFYING THE REAPPOINTMENTS THROUGH ELECTION OF FRED BROWN, DEANNA COLES AND VALERIE SHARBER, AND THE APPOINTMENT THROUGH ELECTION OF SANDRA MCALLISTER TO THE BOWLING GREEN ENTERPRISE COMMUNITY, INC. BOARD OF DIRECTORS

MUNICIPAL ORDER NO. 2007 - 96

MUNICIPAL ORDER AUTHORIZING SUBMISSION OF AN APPLICATION TO THE KENTUCKY JUSTICE CABINET IN THE AMOUNT OF \$20,000 FOR OVERTIME TRAFFIC ALCOHOL PATROL (TAP) THROUGH THE LAW ENFORCEMENT SERVICE FEE PROGRAM

MUNICIPAL ORDER NO. 2007 - 97

MUNICIPAL ORDER AUTHORIZING THE FILING OF A GRANT APPLICATION WITH THE KENTUCKY TRANSPORTATION CABINET FOR FISCAL YEAR 2008 FEDERAL TRANSPORTATION ASSISTANCE UNDER THE SECTION 5307 PROGRAM THROUGH THE FEDERAL TRANSIT ADMINISTRATION IN THE AMOUNT OF \$619,391 AND \$2,795 FOR TRAINING EXPENSES

Motion was made by Nash and seconded by Wilkerson for acceptance of the Consent Agenda as presented. With no discussion, a roll call vote was taken.

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

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

REGULAR AGENDA

ORDINANCE NO. BG2007 - 3

(Second Reading)

ORDINANCE AMENDING CODE OF ORDINANCES

ORDINANCE AMENDING CHAPTER 27 (PROPERTY CODE) OF
THE CITY OF BOWLING GREEN CODE OF ORDINANCES
RELATING TO REPAIR OR DEMOLITION OF PROBLEM
STRUCTURES

Title and summary of Ordinance No. BG2007 - 3 was read by the Assistant City Manager/City Clerk. Motion was made by Strow and seconded by Nash for second reading of said Ordinance. City Attorney Gene Harmon clarified that the limitations would not apply to criminal investigations. City Manager Kevin DeFebbo stated that a compromise was previously reached to address concerns by insurance agencies. Mayor Walker asked for discussion, and with none, a roll call vote was taken.

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

Ordinance No. BG2007 - 3 was adopted by unanimous vote.

ORDINANCE NO. BG2007 - 5

(Second Reading As Amended)

ORDINANCE ANNEXING PROPERTY BY CONSENT

ORDINANCE ANNEXING ~~36.03~~ 29.23 ACRES OF PROPERTY
LOCATED ADJACENT TO LOVERS LANE, MT. VICTOR LANE
AND CEMETERY ROAD, WITH PROPERTY PRESENTLY OWNED
BY TIMOTHY G. GEEGAN, JOHN PATRICK GEEGAN, LAURA
GEEGAN, O. L. AVERY, JR. AND JR. FOOD STORES, INC. WITH
SAID TERRITORY BEING CONTIGUOUS TO EXISTING CITY
LIMITS

Title and summary of Ordinance No. BG2007 - 5 was read by the Assistant City Manager/City Clerk. Motion was made by Nash and seconded by Denning for second reading of said Ordinance as amended. Mayor Walker asked for discussion, and with none, a roll call vote was taken.

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

Ordinance No. BG2007 - 5 as amended was adopted by unanimous vote.

ORDINANCE NO. BG2007 - 6
(Second Reading)
ORDINANCE RELATING TO BUDGET AMENDMENT

ORDINANCE APPROVING AMENDMENT NUMBER TWO TO
THE CITY OF BOWLING GREEN, KENTUCKY ANNUAL
OPERATING BUDGET FOR FISCAL YEAR 2007

Title and summary of Ordinance No. BG2007 - 6 was read by the Assistant City Manager/City Clerk. Comm. Strow stated his objection to including funding for SKyPAC if it was not going to be spent as indicated in the budget amendment. Motion was made by Nash and seconded by Wilkerson for second reading of said Ordinance. Mayor Walker asked for discussion, and with none, a roll call vote was taken.

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

Ordinance No. BG2007 - 6 was adopted by majority vote.

ORDINANCE NO. BG2007 - 7
(Second Reading)
ORDINANCE PROVIDING FOR THE ISSUANCE OF GENERAL OBLIGATION BONDS

ORDINANCE ANNEXING ACRE MORE OR LESS OF
STEEPLECHASE SUBDIVISION, PRESENTLY OWNED BY
WILMA GRISE, WITH SAID TERRITORY BEING CONTIGUOUS
TO EXISTING CITY LIMITS

Title and summary of Ordinance No. BG2007 - 7 was read by the Assistant City Manager/City Clerk. Comm. Strow stated that he did not think it was good public policy to borrow money and not be certain that the funds would be spent on that specific project. Motion was made by Nash and seconded by Wilkerson for second reading of said Ordinance. Mayor Walker asked for discussion, and with none, a roll call vote was taken.

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

Ordinance No. BG2007 - 7 was adopted by majority vote.

MUNICIPAL ORDER NO. 2007 - 98

MUNICIPAL ORDER APPROVING THE PROBATIONARY
APPOINTMENTS OF TERRY A. ASHLEY TO THE POSITION OF
TRADES WORKER - SENIOR IN THE PARKS AND RECREATION
DEPARTMENT, MAINTENANCE DIVISION AND MARK ALLEN
TAULBEE TO THE POSITION OF LANDSCAPE GARDENER IN
THE PARKS AND RECREATION DEPARTMENT, LANDSCAPE
DIVISION

Summary of Municipal Order No. 2007 - 98 was read by the Assistant City Manager/City Clerk. DeFebbo reviewed the qualifications for the recommended appointments. 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: Nash, Strow, Wilkerson, Denning and Walker
 Voting Nay: None

Municipal Order No. 2007 - 98 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2007 - 99

MUNICIPAL ORDER APPROVING THE PROBATIONARY APPOINTMENT OF DAVID M. HEHNER TO THE POSITION OF PROJECT MANAGER IN THE PUBLIC WORKS DEPARTMENT

Summary of Municipal Order No. 2007 - 99 was read by the Assistant City Manager/City Clerk. DeFebbo reviewed the qualifications of the recommended appointment. Motion was made by Wilkerson 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: Nash, Strow, Wilkerson, Denning and Walker
 Voting Nay: None

Municipal Order No. 2007 - 99 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2007 - 100

MUNICIPAL ORDER TERMINATING INTERLOCAL COOPERATION AGREEMENT WITH WARREN COUNTY RELATED TO THE INTER-MODAL COMMERCE AND DISTRIBUTION CENTER AND INDUSTRIAL PARK

Summary of Municipal Order No. 2007 - 100 was read by the Assistant City Manager/City Clerk. Comm. Strow stated that this issue was discussed at the work session earlier that day, and he proposed that the City should terminate this agreement now since a 90-day written notice was required before the start of the new fiscal year. He stated that he supported the success of the Transpark; however, he thought that a new agreement was necessary if the City continued to participate. City Attorney Gene Harmon confirmed that if the City wanted to terminate the contract, there was a specified timeframe in which to do it. However, he suggested that as long as there was mutual concurrence among the parties, the agreement could be terminated at any time. Mr. Harmon also indicated that he had concerns with some of the existing provisions of the agreement and recommended that a new agreement be considered.

There was additional discussion regarding the ability to negotiate a new agreement and to terminate the existing agreement once a new one was ready. Mayor Walker stated that it seemed the Board had a consensus to move toward the development of a new agreement. Once all discussion ended, motion was made by Strow for consideration of said Municipal Order. However, there was no second to the motion and no action was taken.

MUNICIPAL ORDER NO. 2007 - 101

MUNICIPAL ORDER AUTHORIZING AND DIRECTING THE CITY

TO PURCHASE THE REMAINING PROPERTIES FOR SOUTHERN
KENTUCKY PERFORMING ARTS CENTER, INC (SKYPAC)

Summary of Municipal Order No. 2007 - 101 was read by the Assistant City Manager/City Clerk. This issue was discussed at the earlier work session. Comm. Strow stated that the funds in the bond issue should be used for SKyPAC land acquisition with no ambiguity. He suggested that City staff be instructed to actively purchase property according to the previously approved agreement. There was discussion as to whether or not staff had already been instructed to purchase property by Municipal Order No. 2005 - 129. City Manager Kevin DeFebbo stated that with the additional funding now available, staff could continue to purchase property as previously directed. Comm. Strow withdrew Municipal Order No. 2007 - 101 from any further consideration or action.

ORDINANCE NO. BG2007 - 8

(First Reading)

ORDINANCE AMENDING CODE OF ORDINANCES

ORDINANCE AMENDING CHAPTER 2 (ADMINISTRATION) OF
THE CITY OF BOWLING GREEN CODE OF ORDINANCES TO
REVISE THE MEETING PROCEDURES BY ELIMINATING A TIME
LIMIT FOR MEMBERS OF THE BOARD OF COMMISSIONERS TO
DISCUSS ISSUES UNDER DEBATE

Title and summary of Ordinance No. BG2007 - 8 was read by the Assistant City Manager/City Clerk. This item was discussed at the work session held earlier in the day. Comm. Strow proposed the removal of a five minute limit imposed on Board members when discussing an issue. Comm. Nash referenced other sections of the meeting procedures that would allow debate to be controlled if necessary. He agreed that Board members should not be limited in their ability to ask questions or cause the individuals answering those questions to be restricted in their response time.

Comm. Wilkerson indicated that there may be issues that would need more time for discussion. Comm. Denning referenced language included in "Roberts Rules of Order" that allowed a call for question to end debate. He stated that he thought discussion should occur after a motion and second to approve the item had been made. City Attorney Gene Harmon and Assistant City Manager/City Clerk Katie Schaller responded to questions regarding current language included in the meeting procedures. Mayor Walker suggested that the process should be looked at more closely before addressing the ordinance.

Upon clarification of proposed amendment language presented by Comm. Wilkerson, motion was made by Wilkerson and seconded by Strow to amend Ordinance No. BG2007 - 8 to: 1) include section 2-2.19 of the meeting procedures in the ordinance; 2) provide that an item must receive a motion and a second to approve or disapprove of it before any discussion could take place; and 3) amend section 2-2.20 (d) and (h) to state that motions to end debate would take precedence over other motions and that such a motion would not be debatable. A roll call vote was taken.

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

Motion to amend Ordinance No. BG2007 - 8 regarding changes to section 2-2.19 and 2-2.20 (d) and (h) was approved by unanimous vote. Comm. Nash pointed out that the amendment had the

ability to squelch debate if an item did not receive a second to the motion and that someone may second a motion just to allow discussion, but then vote against the item. He said it was important to recognize the potential pitfalls.

Once all discussion ended, motion was made by Strow and seconded by Nash for first reading of said Ordinance as amended. Mayor Walker asked for additional discussion, and with none, a roll call vote was taken.

ROLL CALL: Voting Yea: Nash, Strow, Wilkerson and Denning

Voting Nay: Walker

First reading of Ordinance No. BG2007 – 8 as amended was approved by majority vote.

ORDINANCE NO. BG2007 – 9

(First Reading)

ORDINANCE AMENDING CODE OF ORDINANCES

**ORDINANCE AMENDING CHAPTER 2 (ADMINISTRATION) OF
THE CITY OF BOWLING GREEN CODE OF ORDINANCES
REGARDING TRAVEL EXPENDITURES BY AN ELECTED
OFFICIAL**

Title and summary of Ordinance No. BG2007 - 9 was read by the Assistant City Manager/City Clerk. This issue was also discussed previously at the work session. Comm. Strow explained that this proposal was actually suggested by a citizen. He indicated that if travel was approved in advance, then an elected official would not in good faith incur costs that were later denied reimbursement. He noted that specific travel dates should not be discussed in advance of travel in order to avoid any safety concerns with personal property.

Comm. Nash expressed concern that even though specific dates would not be discussed, there was still the possibility that anyone could find out when an elected official would be going out of town based on the discussion. Comm. Denning commented that if travel by an elected official met appropriate guidelines, it should not require pre-approval. Comm. Wilkerson agreed.

Mayor Walker provided handouts to the media regarding her previously approved travel when she took the train to Washington, DC. She stated that the money spent on behalf of the taxpayer was appropriate and that she took all travel seriously.

Once all discussion concluded, motion was made by Strow for first reading of said Ordinance. However, there was no second to the motion and no action was taken.

MUNICIPAL ORDER NO. 2007 – 102

**MUNICIPAL ORDER AUTHORIZING AND ACCEPTING BID
#2007-43 FOR THE PURCHASE OF OUTDOOR ALUMINUM NON-
ELEVATED BLEACHERS FROM MASA, INC. OF JASPER,
INDIANA FOR LAMPKIN AND KEREIAKES PARKS IN THE
AMOUNT OF \$33,485**

Summary of Municipal Order No. 2007 - 102 was read by the Assistant City Manager/City Clerk. DeFebbo stated that this purchase was included in the capital improvement program and he reviewed the recommended bid award. Motion was made by Wilkerson 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: Nash, Strow, Wilkerson, Denning and Walker
 Voting Nay: None

Municipal Order No. 2007 - 102 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2007 - 103

MUNICIPAL ORDER APPROVING A CONTRACT THROUGH NONCOMPETITIVE NEGOTIATIONS WITH GTSI CORPORATION OF CHANTILLY, VIRGINIA UNDER THE KENTUCKY STATE PRICING CONTRACT FOR THE PURCHASE OF MOBILE COMPUTER EQUIPMENT IN THE TOTAL AMOUNT OF \$252,897.50

Summary of Municipal Order No. 2007 - 103 was read by the Assistant City Manager/City Clerk. DeFebbo reviewed the recommended contract award to purchase equipment for Police that would provide instantaneous communication. Motion was made by Strow 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: Nash, Strow, Wilkerson, Denning and Walker
 Voting Nay: None

Municipal Order No. 2007 - 103 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2007 - 104

MUNICIPAL ORDER AUTHORIZING THE SUBMISSION OF AN APPLICATION TO THE KENTUCKY TRANSPORTATION CABINET FOR TRANSPORTATION ENHANCEMENT FUNDS FOR THE GREENWAYS COMMISSION OF BOWLING GREEN AND WARREN COUNTY IN THE AMOUNT OF \$16,800 FOR THE PORTAGE RAILROAD PRESERVATION PROJECT

Summary of Municipal Order No. 2007 - 104 was read by the Assistant City Manager/City Clerk. DeFebbo reviewed the proposed project which would further develop the greenways system. Motion was made by Strow 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: Nash, Strow, Wilkerson, Denning and Walker
 Voting Nay: None

Municipal Order No. 2007 - 104 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2007 - 105

MUNICIPAL ORDER AUTHORIZING THE SUBMISSION OF AN APPLICATION TO THE KENTUCKY TRANSPORTATION CABINET FOR TRANSPORTATION ENHANCEMENT FUNDS FOR THE GREENWAYS COMMISSION OF BOWLING GREEN AND WARREN COUNTY IN THE AMOUNT OF \$440,000 FOR THE LINKING SCHOOLS AND COMMERCE IN BOWLING GREEN PROJECT

Summary of Municipal Order No. 2007 - 105 was read by the Assistant City Manager/City Clerk. DeFebbo stated that this project tied into one of the City's goals to connect schools. Motion was made by Wilkerson and seconded by Strow 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: Nash, Strow, Wilkerson, Denning and Walker
Voting Nay: None

Municipal Order No. 2007 - 105 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2007 - 106

MUNICIPAL ORDER APPROVING THE ADVERTISEMENT FOR BIDS AND DISTRIBUTION OF A PRELIMINARY OFFICIAL STATEMENT FOR THE PURCHASE OF CITY OF BOWLING GREEN, KENTUCKY GENERAL OBLIGATION PUBLIC PROJECT BONDS, SERIES 2007 IN THE APPROXIMATE AGGREGATE PRINCIPAL AMOUNT OF \$14,775,000

Summary of Municipal Order No. 2007 - 106 was read by the Assistant City Manager/City Clerk. DeFebbo reviewed the requirements to go out for bonds. Motion was made by Strow 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: Nash, Strow, Wilkerson, Denning and Walker
Voting Nay: None

Municipal Order No. 2007 - 106 was approved by unanimous vote.

ORDINANCE NO. BG2007 - 4

(First Reading)

ORDINANCE AMENDING CODE OF ORDINANCES

ORDINANCE AMENDING CHAPTER 21 (STREETS AND SIDEWALKS) OF THE CITY OF BOWLING GREEN CODE OF ORDINANCES TO REQUIRE A MINIMUM ONE-YEAR WARRANTY FOLLOWING THE CONSTRUCTION OR ACCEPTANCE OF NEW STREETS AND SIMILAR INFRASTRUCTURE, AND AMENDING CHAPTER 11 (FINANCE, TAXATION AND ECONOMIC DEVELOPMENT) TO REQUIRE A MINIMUM ONE-YEAR WARRANTY FOLLOWING THE ACCEPTANCE OF BUILDING PROJECTS AND OTHER INFRASTRUCTURE WORK ON BEHALF OF THE CITY

Title and summary of Ordinance No. BG2007 - 4 was read by the Assistant City Manager/City Clerk. DeFebbo indicated that a one-year warranty was becoming the standard and reviewed the proposed changes. Upon clarification of proposed amendment language presented by Comm. Wilkerson, motion was made by Wilkerson and seconded by Strow to amend Ordinance No. BG2007 - 4 to include reference to the U.S. Department of Transportation's "Road Surface Management for Local Governments Manual" at the end of both paragraphs proposing new language. A roll call vote was taken.

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

Motion to amend Ordinance No. BG2007 - 4 regarding the inclusion of a reference to the U.S. Department of Transportation's "Road Surface Management for Local Governments Manual" was approved by unanimous vote. Public Works Director Emmet Wood concurred with the change.

Motion was made by Strow and seconded by Wilkerson for first reading of said Ordinance as amended. Mayor Walker asked for additional discussion, and with none, a roll call vote was taken.

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

First reading of Ordinance No. BG2007 - 4 as amended was approved by unanimous vote.

ORDINANCE NO. BG2007 - 10
(First Reading)
ORDINANCE REZONING REAL ESTATE

ORDINANCE REZONING A TRACT OF LAND CONTAINING
10.46 ACRES FROM HI (HEAVY INDUSTRY) TO HB (HIGHWAY
BUSINESS) LOCATED AT THE END OF EXISTING GREENWOOD
LANE, WITH BINDING ELEMENTS, PRESENTLY OWNED BY
GREENWOOD CROSSINGS, INC.

Title and summary of Ordinance No. BG2007 - 10 was read by the Assistant City Manager/City Clerk. DeFebbo indicated that this rezoning addressed the Gander Mountain development project. He also mentioned that the City had been asked to participate in the expansion of Greenwood Lane, which was still under review. City-County Planning Commission Planner Steve Hunter reviewed the recommended rezoning and its incorporated binding elements, specifically outlining the requirements of Binding Element #2. Mayor Walker expressed her appreciation for the staff's efforts with the proposed road realignment and widening project, which included participation by the State, the developer and the Warren County School District. Motion was made by Denning and seconded by Strow for first reading of said Ordinance. Mayor Walker asked for additional discussion, and with none, a roll call vote was taken.

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

First reading of Ordinance No. BG2007 - 10 was approved by unanimous vote.

ORDINANCE NO. BG2007 - 11
(First Reading)
ORDINANCE REZONING REAL ESTATE

ORDINANCE REZONING A TRACT OF LAND CONTAINING
0.4528 ACRE FROM HB (HIGHWAY BUSINESS) TO HI (HEAVY
INDUSTRY) LOCATED AT 2106 RUSSELLVILLE ROAD, WITH
BINDING ELEMENTS, PRESENTLY OWNED BY PAUL AND
BONNIE ELMORE

Title and summary of Ordinance No. BG2007 - 11 was read by the Assistant City Manager/City Clerk. City-County Planning Commission Planner Steve Hunter reviewed the recommended rezoning and its incorporated binding elements. Motion was made by Strow and seconded by Wilkerson for first reading of said Ordinance. Mayor Walker asked for additional discussion, and with none, a roll call vote was taken.

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

First reading of Ordinance No. BG2007 - 11 was approved by unanimous vote.

ORDINANCE NO. BG2007 - 12
(First Reading)
ORDINANCE REZONING REAL ESTATE

ORDINANCE REZONING A TRACT OF LAND CONTAINING
12.10 ACRES FROM HI (HEAVY INDUSTRY) TO RM-3 (MULTI
FAMILY RESIDENTIAL) LOCATED AT 510 W. 10TH AVENUE,
WITH BINDING ELEMENTS, PRESENTLY OWNED BY HP VII,
LLC AND APPLICANT WABUCK DEVELOPMENT

Title and summary of Ordinance No. BG2007 - 12 was read by the Assistant City Manager/City Clerk. City-County Planning Commission Planner Steve Hunter reviewed the recommended rezoning and the associated binding elements for redevelopment of the old Holley Plant site off 11th Avenue. Comm. Nash expressed concern regarding a future entrance/exit onto 11th Avenue very near to the Boys and Girls Club which was indicated in the Scholar House development plan. He requested that the ordinance be tabled so the Planning Commission could go back and address the possibility of amending the binding elements regarding this proposed entrance/exit. City Attorney Gene Harmon reviewed the procedures regarding the ability and limitations of the Board to not approve the rezoning. Mr. Hunter stated he would talk to the property owner and developer to address the concern before the second reading of the ordinance. Comm. Nash reconsidered his request to table the item. Motion was made by Strow and seconded by Wilkerson for first reading of said Ordinance. Mayor Walker asked for additional discussion, and with none, a roll call vote was taken.

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

First reading of Ordinance No. BG2007 - 12 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2007 - 107

MUNICIPAL ORDER AUTHORIZING AND ORDERING
CONDEMNATION OF A PORTION OF THE PROPERTY

BELONGING TO THOMAS AND EVELYN PETTIGREW LOCATED
AT 1317 JAMES EDWARD COURT, FOR A NECESSARY
EASEMENT FOR THE CONTINUATION OF THE BOWLING
GREEN GREENBELT SYSTEM PROJECT

Summary of Municipal Order No. 2007 - 107 was read by the Assistant City Manager/City Clerk. DeFebbo reviewed the need for the property. City Attorney Gene Harmon described the easement to be acquired for use by Greenways and commented about the inability to negotiate a purchase price with the property owners. Comm. Wilkerson stated that he spoke to the property owners regarding the easement and disagreed with the use of eminent domain at this time since there was a way to get around this property without restricting the use of it and moving traffic closer to the home.

Bowling Green and Warren County Greenways Coordinator Helen Siewers responded to questions regarding the use of the property, fencing and other types of privacy barriers, the ability to mobilize volunteers to plant trees, and the possibility of setting a precedence. Comm. Strow expressed concern with the possible bottleneck affect and safety concerns that may be created if the path was restricted to less than ten feet wide in this location. Motion was made by Strow and seconded by Walker 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 and Walker
 Voting Nay: Nash, Wilkerson and Denning
Municipal Order No. 2007 - 107 was defeated by majority vote.

MUNICIPAL ORDER NO. 2007 - 108

MUNICIPAL ORDER APPROVING ACQUISITION OF PROPERTY
LOCATED AT 1018 CENTER STREET

Summary of Municipal Order No. 2007 - 108 was read by the Assistant City Manager/City Clerk. DeFebbo commented about the ability to acquire property for parking and storage for the City. 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: Nash, Strow, Wilkerson, Denning and Walker
 Voting Nay: None
Municipal Order No. 2007 - 108 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2007 - 109

MUNICIPAL ORDER APPROVING FIRST AMENDMENT TO
LEASE AGREEMENT WITH SAMUEL KIRTLEY, JR. FOR
PROPERTY LOCATED AT 728 AND 730 COLLEGE STREET

Summary of Municipal Order No. 2007 - 109 was read by the Assistant City Manager/City Clerk. DeFebbo reviewed the recommended changes to the agreement which would increase the annual rental fee to \$25,000. Comm. Nash commented about previous discussions to possibly use this property for Police storage which would free up the need for the Cabell Drive facility and allow other

uses at Cabell Drive. He inquired if the annual income from Mr. Kirtley could be directed to help build a new Police storage facility. DeFebbo stated that it would take more money than that to fund a new storage facility; however, it could be considered as an additional funding source. Motion was made by Denning and seconded by Strow 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: Nash, Strow, Wilkerson, Denning and Walker
 Voting Nay: None
Municipal Order No. 2007 - 109 was approved by unanimous vote.

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), (c) and (g) as previously approved.

RECONVENE IN OPEN SESSION

Once all discussion concluded in closed session, the Board of Commissioners reconvened in open session to consider action. Motion was made by Nash and seconded by Strow to add Municipal Order No. 2007 - 110 to the agenda for consideration. With no discussion, a roll call vote was taken.

ROLL CALL: Voting Yea: Nash, Strow, Wilkerson, Denning and Walker
 Voting Nay: None
Motion to add Municipal Order No. 2007 - 110 to the agenda was approved by unanimous vote.

MUNICIPAL ORDER NO. 2007 - 110

MUNICIPAL ORDER CANCELING MEMORANDUM OF UNDERSTANDING WITH JIM BULLINGTON

Summary of Municipal Order No. 2007 - 110 was read by the Assistant City Manager/City Clerk. Comm. Wilkerson expressed his appreciation for all of Mr. Bullington's time and efforts with the Convention Center matter. Mayor Walker commented of Mr. Bullington's work and that this action by the Board was not ending the issue. She stated that the investigation was being turned over to a special prosecutor of the Attorney General's Office. Motion was made by Strow and seconded by Wilkerson 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: Nash, Strow, Wilkerson, Denning and Walker
 Voting Nay: None
Municipal Order No. 2007 - 110 was approved by unanimous vote.

ADJOURNMENT

There being no further business to come before the Board of Commissioners, at approximately 11:30 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 3:00 p.m. in the Commission Chamber of City Hall for a special work session to discuss the following subjects: 1) Code Enforcement Division improvements and accomplishments; 2) ITA financing and Interlocal Cooperation Agreement; 3) proposed amendments to the Code of Ordinances Chapter 2 (Administration) to make changes related to meeting procedures and travel policies; and 4) SKyPAC property acquisition.

ADOPTED: _____

APPROVED: _____
Mayor, Chairman of Board of Commissioners

ATTEST: _____
City Clerk

Minutes prepared by Assistant City Manager/City Clerk Katie Schaller