

**MINUTES of REGULAR MEETING
of the BOARD of COMMISSIONERS
of the CITY of BOWLING GREEN, KENTUCKY
held SEPTEMBER 4, 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 September 4, 2007. Mayor Elaine N. Walker called the meeting to order. An invocation was given by Commissioner Brian K. Strow, 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 Joe W. Denning, Commissioner Brian "Slim" Nash, Commissioner Brian K. Strow, Commissioner Bruce Wilkerson and Mayor Elaine N. Walker. Absent: none. There was a full quorum of the Board of Commissioners.

CITY MANAGER

City Manager Kevin D. DeFebbo had no comments at this time.

APPROVAL OF MINUTES

Minutes of Regular Meeting August 21, 2007 and Special Meeting August 27, 2007

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

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

Motion to approve the minutes of the regular meeting of August 21, 2007 and special meeting of August 27, 2007 was approved by unanimous vote.

PUBLIC COMMENTS

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

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 - 270

**MUNICIPAL ORDER APPROVING THE APPOINTMENT OF
ROBIN BORCZON TO THE HUMAN RIGHTS COMMISSION**

MUNICIPAL ORDER NO. 2007 - 271

MUNICIPAL ORDER APPROVING THE APPOINTMENTS OF GARY WEST AND CHRIS GUTHRIE TO SERVE ON THE WARREN COUNTY DOWNTOWN ECONOMIC DEVELOPMENT AUTHORITY, INCORPORATED

MUNICIPAL ORDER NO. 2007 - 272

MUNICIPAL ORDER RATIFYING EXECUTION AND AUTHORIZING SUBMISSION OF A GRANT APPLICATION TO AND ACCEPTANCE OF GRANT FUNDS FROM BOWLING GREEN ENTERPRISE COMMUNITY, INC. TO PROMOTE HOMEOWNERSHIP IN THE ENTERPRISE COMMUNITY

MUNICIPAL ORDER NO. 2007 - 273

MUNICIPAL ORDER APPROVING AND AUTHORIZING REIMBURSEMENT OF OUT-OF-TOWN TRAVEL EXPENSES TO MAYOR ELAINE N. WALKER AND CITY MANAGER KEVIN D. DEFEBBO TO ATTEND THE ANNUAL MAYOR'S LEADERSHIP LUNCHEON IN LOUISVILLE, KENTUCKY

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

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

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

REGULAR AGENDA

ORDINANCE NO. BG2007 - 38

(Second Reading)

ORDINANCE ESTABLISHING DEVELOPMENT AREA TAX INCREMENT FINANCING DISTRICT

AN ORDINANCE AMENDING ORDINANCE NO. BG2007-33, WHICH IS AN ORDINANCE ESTABLISHING A DEVELOPMENT AREA IN DOWNTOWN BOWLING GREEN RELATING TO A COMPREHENSIVE MIXED USE REDEVELOPMENT AREA COMPRISED OF RESIDENTIAL, OFFICE AND COMMERCIAL COMPONENTS AND INCLUDING CERTAIN PUBLIC ELEMENTS, INCLUDING A BASEBALL STADIUM, PARKING GARAGE AND OTHER INFRASTRUCTURE IMPROVEMENTS; APPROVING A LOCAL PARTICIPATION AGREEMENT WITH WARREN

COUNTY, KENTUCKY; ESTABLISHING A SPECIAL FUND;
DESIGNATING AN AGENCY FOR THE OVERSIGHT,
ADMINISTRATION AND IMPLEMENTATION OF THIS
ORDINANCE; AND TAKING OTHER APPROPRIATE ACTIONS

Title and summary of Ordinance No. BG2007 - 38 was read by the Assistant City Manager/City Clerk. Motion was made by Wilkerson and seconded by Strow for second reading of said Ordinance. Mayor Walker asked for discussion, and with none, a roll call vote was taken.

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

Ordinance No. BG2007 - 38 was adopted by unanimous vote.

ORDINANCE NO. BG2007 - 39
(Second Reading)
ORDINANCE RENAMING STREET

ORDINANCE APPROVING THE RENAMING OF A PORTION OF
WESTEN STREET TO CHRISTIAN CARE WAY

Title and summary of Ordinance No. BG2007 - 39 was read by the Assistant City Manager/City Clerk. 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: Denning, Nash, Strow, Wilkerson and Walker
 Voting Nay: None

Ordinance No. BG2007 - 39 was adopted by unanimous vote.

ORDINANCE NO. BG2007 - 40
(Second Reading)
ORDINANCE RENAMING STREET

ORDINANCE APPROVING THE RENAMING OF A PORTION OF
7TH AVENUE TO OLD 7TH AVENUE

Title and summary of Ordinance No. BG2007 - 40 was read by the Assistant City Manager/City Clerk. Motion was made by Denning 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: Denning, Nash, Strow, Wilkerson and Walker
 Voting Nay: None

Ordinance No. BG2007 - 40 was adopted by unanimous vote.

ORDINANCE NO. BG2007 - 41
(Second Reading)
ORDINANCE CLOSING A PUBLIC RIGHT-OF-WAY

ORDINANCE APPROVING THE CLOSING OF AN
UNCONSTRUCTED RIGHT-OF-WAY KNOWN AS FLEX PARK
COVE COURT

Title and summary of Ordinance No. BG2007 - 41 was read by the Assistant City Manager/City Clerk. Motion was made by Wilkerson and seconded by Strow for second reading of said Ordinance. Mayor Walker asked for discussion, and with none, a roll call vote was taken.

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

Ordinance No. BG2007 - 41 was adopted by unanimous vote.

MUNICIPAL ORDER NO. 2007 - 274

MUNICIPAL ORDER APPROVING THE PROMOTION OF ALLEN KEITH PAPP TO THE POSITION OF OPERATIONS AND MAINTENANCE TECHNICIAN I IN THE PUBLIC WORKS DEPARTMENT, OPERATIONS DIVISION

Summary of Municipal Order No. 2007 - 274 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 qualifications for the recommended promotion according to the approved career path program adopted the previous year. Mayor Walker asked for additional discussion, and with none, a roll call vote was taken.

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

Municipal Order No. 2007 - 274 was approved by unanimous vote.

ORDINANCE NO. BG2007 - 37

(First Reading)

ORDINANCE AMENDING CODE OF ORDINANCES

ORDINANCE AMENDING CHAPTER 13 (HEALTH) OF THE CITY OF BOWLING GREEN CODE OF ORDINANCES REGULATING SMOKING IN PUBLIC PLACES AND WORK PLACES, ESTABLISHING CIVIL FINES FOR THE VIOLATION OF THIS ORDINANCE AND ESTABLISHING ENFORCEMENT PROCEDURES

Title and summary of Ordinance No. BG2007 - 37 was read by the Assistant City Manager/City Clerk. Motion was made by Nash and seconded by Walker for first reading of said Ordinance. Comm. Nash opened the floor for public comments about this issue, but respectfully requested that those who spoke at the August 21, 2007 meeting not speak again at this meeting to allow others the opportunity to make comments.

Speaking in support of the ordinance to establish a smoke-free community were Robin Baldwin of 614 Covington Street, Lori Monroe of 660 Crossings Court, Brian Packard of 1633 Sioux Trail, Jim Duffer of 806 Edgewood Street, Martha Duncan of 240 Palmer Drive, Sharon Hartz of 2349 Elrod Road, Selena Drexel of 1650 Dunlany Way, Lynn Reker of 2127 Chesapeake Drive, Andrew Wollin of 621 East Main Street, Aaron Shuford of 3218 Silvercreek Avenue, Mike Deville of 700

Iron Bridge Road and Dr. Ellen Hahn, a professor in the College of Nursing, College of Public Health at the University of Kentucky.

Speaking in opposition to the ordinance were county resident Linda Farley and Mike Wilson of 51 John Miller Road.

Once all public comments concluded, Comm. Nash explained his position with regard to enforcement of the ordinance, the reason for not placing the item on the ballot, and his support of the private sector. He summarized the difference of opinion about the private sector being that of a business generally interested in its individual success, while government had the ability to provide a broader interest for the success of everyone. He pointed out that government already regulated private businesses on a regular basis and cited elements from the Comprehensive Plan as examples of those regulations. Comm. Nash acknowledged that he did not think that this ordinance would pass; however, he stated that he wanted everyone to be on the record with their position of the issue. He also thanked everyone who participated in the public discussion.

Comm. Denning commented about the efforts of those in attendance to research the subject matter and to present that information to the Board. He noted that he had received several telephone calls and other communication about the issue and he explained that his vote would be based on his belief of the total community's opinion. Comm. Denning remarked that the Kentucky Supreme Court decision about allowing local governments to impose regulations (about smoking in public places) on the private business owner could perhaps be overturned. He expressed that businesses have the right to own and run their businesses in a professional manner and he did not think he had the right to tell private businesses how to operate. Comm. Denning stated that he would vote no.

Comm. Strow commented that he had also seen a lot of information about this issue and he stated that he would not support a comprehensive smoking ban as presented in this ordinance. He also noted that his position on this issue had not changed since the election process and that he did not like politicians who say one thing to get elected and then do something else. However, he did recognize that it was an important public health issue and appreciated the open dialogue. Comm. Strow also agreed with the final result, but expressed concern with how that result was achieved. He encouraged continued dialogue to find a balance on the issue and to determine where to draw the line between liberty and public health.

Comm. Wilkerson indicated that he had the opportunity at the last meeting to speak on the issue and had no additional comments at this time.

Mayor Walker pointed out that the ordinance would be brought back at the next Board meeting for the vote that counted. She remarked about the importance of the issue and that clean air was a matter of life and death. She expressed concern that her colleagues acknowledged the need to protect City workers, but not the need to protect the citizens. She noted that she was sensitive to the right of businesses, yet government had stepped in to protect the right's of those with disabilities (ADA requirements) to provide that facilities be accessible to all people. She asked for the same rights for people who have health concerns. Mayor Walker stated that if she could put this item on a ballot for public vote, she believed it would pass by an overwhelming majority. She thanked Commissioner Nash from bringing this issue up for consideration.

Once all discussion concluded, a roll call vote was taken.

ROLL CALL: Voting Yea: Nash and Walker
 Voting Nay: Denning, Strow and Wilkerson
First reading of Ordinance No. BG2007 - 37 failed by majority vote.

MUNICIPAL ORDER NO. 2007 - 275

MUNICIPAL ORDER AUTHORIZING THE MAYOR TO EXECUTE
A LEASE AGREEMENT WITH BOWLING GREEN
INTERNATIONAL FESTIVAL, INC. TO LEASE FOUNTAIN
SQUARE PARK AND DESIGNATED ADJACENT STREETS AND
SIDEWALKS ON SEPTEMBER 29, 2007

Summary of Municipal Order No. 2007 - 275 was read by the Assistant City Manager/City Clerk. Motion was made by Denning and seconded by Nash for consideration of said Municipal Order. DeFebbo recommended approval of the lease agreement for the annual event. Mayor Walker asked for additional discussion, and with none, a roll call vote was taken.

ROLL CALL: Voting Yea: Denning, Nash, Strow, Wilkerson and Walker
 Voting Nay: None
Municipal Order No. 2007 - 275 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2007 - 276

MUNICIPAL ORDER APPROVING AND AUTHORIZING THE
EXECUTION OF NECESSARY DEEDS AND EASEMENTS FOR
THE FIELDS DRIVE / PATTON WAY EXTENSION PROJECT
WITH THOMAS A. AND CINDY DONNELLY

Summary of Municipal Order No. 2007 - 276 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 project to address traffic problems connected with the Shawnee neighborhood street closings. He indicated that this was the last piece of the right-of-way to be acquired for construction of a roadway. Public Works Director Emmett Wood responded to a question about a drainage area and donated land for the project. Mayor Walker asked for additional discussion, and with none, a roll call vote was taken.

ROLL CALL: Voting Yea: Denning, Nash, Strow, Wilkerson and Walker
 Voting Nay: None
Municipal Order No. 2007 - 276 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2007 - 277

MUNICIPAL ORDER AUTHORIZING NEIGHBORHOOD
INVESTMENT INITIATIVE AGREEMENTS WITH HOUSING
ASSISTANCE AND DEVELOPMENT SERVICES, INC. AND LIVE
THE DREAM, INC. RELATED TO THE PROVISION OF LOW-TO-
MODERATE INCOME HOUSING IN THE ENTERPRISE
COMMUNITY AREA

Summary of Municipal Order No. 2007 - 277 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 noted that this item was discussed at the work session held earlier in the afternoon regarding the Westside Initiative and was for the second year of the program. Mayor Walker asked for additional discussion, and with none, a roll call vote was taken.

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

Municipal Order No. 2007 - 277 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2007 – 278

**MUNICIPAL ORDER AUTHORIZING AND ACCEPTING BID
#2007-85 FOR FIELDS DRIVE EXTENSION, PHASE II FROM S & R
EXCAVATION OF BOWLING GREEN, KENTUCKY IN THE
AMOUNT OF \$338,651**

Summary of Municipal Order No. 2007 - 278 was read by the Assistant City Manager/City Clerk. Motion was made by Nash and seconded by Strow for consideration of said Municipal Order. DeFebbo recommended the bid award. Mayor Walker asked for additional discussion, and with none, a roll call vote was taken.

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

Municipal Order No. 2007 - 278 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2007 – 279

**MUNICIPAL ORDER AUTHORIZING AND ACCEPTING BID
#2008-08 FOR SLOAN CONVENTION CENTER HVAC CONTROLS
FROM LYONS SERVICE COMPANY OF BOWLING GREEN,
KENTUCKY IN AN AMOUNT NOT TO EXCEED \$212,725**

Summary of Municipal Order No. 2007 - 279 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 stated that the Convention Center Corporation had already reviewed and approved this bid award and he recommended that the Board of Commissioners do the same. Mayor Walker asked for additional discussion, and with none, a roll call vote was taken.

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

Municipal Order No. 2007 - 279 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2007 – 280

**MUNICIPAL ORDER AUTHORIZING AND ACCEPTING BID
#2008-11 FOR SMALLHOUSE ROAD KARST INVESTIGATION
FROM ENSAFE, INC. OF BOWLING GREEN, KENTUCKY IN THE
AMOUNT OF \$35,934**

Summary of Municipal Order No. 2007 - 280 was read by the Assistant City Manager/City Clerk. Motion was made by Nash and seconded by Strow for consideration of said Municipal Order. DeFebbo recommended the bid award. Public Works Director Emmett Wood responded to questions regarding the benefit of this investigation as a precursor to a final design for widening Smallhouse Road, if feasible. Mayor Walker asked for additional discussion, and with none, a roll call vote was taken.

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

Municipal Order No. 2007 - 280 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2007 - 281

MUNICIPAL ORDER APPROVING THE CONTINUATION OF AN AGREEMENT WITH WESTERN KENTUCKY UNIVERSITY FOR PROVIDING A LEAF COMPOSTING SYSTEM FOR THE CITY OF BOWLING GREEN, KENTUCKY

Summary of Municipal Order No. 2007 - 281 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 was an on-going, profit sharing program to assist with leaf processing each year. Public Works Director Emmett Wood confirmed that this program counted toward the NPDES (National Pollutant Discharge Elimination Systems) permitting requirements for stormwater regulation. Mayor Walker asked for additional discussion, and with none, a roll call vote was taken.

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

Municipal Order No. 2007 - 281 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2007 - 282

MUNICIPAL ORDER APPROVING AND ADOPTING THE CITY OF BOWLING GREEN, KENTUCKY SIDEWALK PROGRAM - NEW SIDEWALK COMPONENT DATED AUGUST 24, 2007

Summary of Municipal Order No. 2007 - 282 was read by the Assistant City Manager/City Clerk. Motion was made by Nash and seconded by Strow for consideration of said Municipal Order. DeFebbo recommended the new program, which was one of the City's strategic plan goals and was discussed at several previous work sessions, to construct a more walk-able community. Mayor Walker asked for additional discussion, and with none, a roll call vote was taken.

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

Municipal Order No. 2007 - 282 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2007 - 283

MUNICIPAL ORDER DECLARING PROPERTY LOCATED AT 611 WOODFORD STREET SURPLUS AND AUTHORIZING CONVEYANCE OF THIS PROPERTY TO HABITAT FOR HUMANITY OF BOWLING GREEN/WARREN COUNTY, INC.

Summary of Municipal Order No. 2007 - 283 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 explained that the City was partnering with a local organization to build a new single family residence. Mayor Walker asked for additional discussion, and with none, a roll call vote was taken.

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

Voting Nay: None

Municipal Order No. 2007 - 283 was approved by unanimous vote.

ADJOURNMENT

There being no further business to come before the Board of Commissioners, at approximately 8:30 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 4:00 p.m. in the Commission Chamber of City Hall for a regular work session to discuss the following subjects: 1) a progress report regarding the Westside Initiative project; 2) an update regarding the Comprehensive Plan; and 3) a presentation of the design concepts for Broadway Curve Realignment.

ADOPTED: _____

APPROVED: _____
Mayor, Chairman of Board of Commissioners

ATTEST: _____
City Clerk

Minutes prepared by Assistant City Manager/City Clerk Katie Schaller