

**MINUTES of REGULAR MEETING
of the BOARD of COMMISSIONERS
of the CITY of BOWLING GREEN, KENTUCKY
held APRIL 3, 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 April 3, 2007. Mayor Elaine N. Walker called the meeting to order. An invocation was given by Commissioner Brian 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 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.

PUBLIC HEARING

Housing and Community Development Director Alice Burks conducted a public hearing to receive comments about the Annual Action Plan draft for the Year 4 Community Development Block Grant Entitlement Program. Ms. Burks announced that the City should receive \$575,465, with these funds allocated for fair housing education, small business training and technical assistance, the Housing Fund satellite office, owner-occupied housing rehabilitation, and the rental conversion program. She stated that final approval of the plan was scheduled to be placed on the agenda for the May 1, 2007 Board of Commissioners meeting. There were no public comments.

CITY MANAGER

City Manager Kevin D. DeFebbo requested a closed session for the purpose of discussion which federal or state law specifically required to be conducted in privacy. Motion was made by Nash and seconded by Wilkerson to convene in closed session following the regular meeting pursuant to KRS 61.810 (k). 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 (k) was approved by unanimous vote.

APPROVAL OF MINUTES

Minutes of Regular Meeting March 20, 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 Denning 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 March 20, 2007 was approved by unanimous vote.

PUBLIC COMMENTS

Carla Bohanon of 506 Regents Avenue urged support of a smoke-free ordinance. JT Graham of 905 Lovers Lane also spoke in support of a smoking ban and an ordinance that would include language to not allow smoking in any general public areas. He urged the Board to make a decision that was right for everyone. Todd Mason, owner of Total Fitness Connection, stated that he supported a ban to protect the public's health.

Mayor Walker announced that a Smoke-Free Conference would be held at Western Kentucky University's campus on April 24, 2007.

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 - 111

MUNICIPAL ORDER APPROVING AND AUTHORIZING OUT-OF-TOWN TRAVEL EXPENSES AND REIMBURSEMENT FOR MAYOR ELAINE N. WALKER TO ATTEND THE NATIONAL LEAGUE OF CITIES CONFERENCE IN WASHINGTON, D.C.

MUNICIPAL ORDER NO. 2007 - 112

MUNICIPAL ORDER APPROVING THE REAPPOINTMENTS OF BILL FINLEY, JOHN P. WILLIAMS AND LAURA SOUTHARD TO THE URBAN GROWTH DESIGN REVIEW BOARD

MUNICIPAL ORDER NO. 2007 - 113

MUNICIPAL ORDER APPROVING THE REAPPOINTMENT OF REV. DARRELL VENTERS TO THE UNIVERSITY DISTRICT REVIEW COMMITTEE

MUNICIPAL ORDER NO. 2007 - 114

MUNICIPAL ORDER APPROVING THE REAPPOINTMENT OF HAROLD T. LITTLE, JR. TO THE BOWLING GREEN-WARREN COUNTY REGIONAL AIRPORT BOARD

MUNICIPAL ORDER NO. 2007 – 115

MUNICIPAL ORDER APPROVING THE APPOINTMENT OF SANDY RILEY TO THE CITY OF BOWLING GREEN BOARD OF ETHICS

MUNICIPAL ORDER NO. 2007 – 116

MUNICIPAL ORDER APPROVING THE APPOINTMENT OF DEAN BROSCHE TO THE BOARD OF PARK COMMISSIONERS

MUNICIPAL ORDER NO. 2007 – 117

MUNICIPAL ORDER AUTHORIZING SUBMISSION OF A LAND AND WATER CONSERVATION FUND GRANT APPLICATION TO THE KENTUCKY GOVERNOR'S OFFICE FOR LOCAL DEVELOPMENT IN THE AMOUNT OF \$75,000

Motion was made by Denning 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.

CHANGE ORDER OF AGENDA

Comm. Denning made a motion, seconded by Strow, to change the order of the agenda to consider item number 14 (Municipal Order No. 2007 – 119) regarding Lost River Cave at this time. Walker called for roll call vote.

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

Motion to change the order of the agenda to consider Municipal Order No. 2007 – 119 at this time was approved by unanimous vote.

MUNICIPAL ORDER NO. 2007 – 119

MUNICIPAL ORDER APPROVING AND AUTHORIZING EXECUTION OF AN AGREEMENT WITH FRIENDS OF THE LOST RIVER, INC. AND FURTHER APPROVING AND AUTHORIZING THE CONVEYANCE OF 19.5 ACRES TO FRIENDS OF THE LOST RIVER, INC.; AND CONSENTING TO THE CONSTRUCTION OF A VISITOR CENTER, PARKING FACILITY AND OTHER NATURE-ORIENTED ITEMS AS OUTLINED IN THE LOST RIVER CAVE AND VALLEY INTERPRETIVE MASTER PLAN

Summary of Municipal Order No. 2007 - 119 was read by the Assistant City Manager/City Clerk. DeFebbo indicated that this item was previously presented at the work session. He reviewed the agreement to convey the property and the greenways trail to be open to the public. Motion was made by Denning 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: Strow, Wilkerson, Denning, Nash and Walker
 Voting Nay: None

Municipal Order No. 2007 - 119 was approved by unanimous vote. Friends of the Lost River Inc. Executive Director Rhoella Lansden thanked the Board for its support and she recognized the Board of Directors for Lost River who were in attendance.

RESUME REGULAR AGENDA

ORDINANCE NO. BG2007 - 4
(Second Reading As Amended)

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

Ordinance No. BG2007 - 4 as amended was adopted by unanimous vote.

ORDINANCE NO. BG2007 - 8
(Second Reading As Amended)

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. Motion was made by Strow and seconded by Nash 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: Strow, Wilkerson, Denning and Nash
 Voting Nay: Walker

Ordinance No. BG2007 - 8 as amended was adopted by majority vote.

ORDINANCE NO. BG2007 - 10
(Second 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. 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. BG2007 - 10 was adopted by unanimous vote.

ORDINANCE NO. BG2007 - 11
(Second 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. Motion was made by Strow 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. BG2007 - 11 was adopted by unanimous vote.

ORDINANCE NO. BG2007 - 12
(Second 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. 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: Strow, Wilkerson, Denning, Nash and Walker
 Voting Nay: None

Ordinance No. BG2007 - 12 was adopted by unanimous vote. At the end of the meeting, Comm. Nash requested follow-up information from the discussion that took place at the March 20th meeting, when this item was presented for first reading, regarding the proposed second entrance/exit onto 11th Avenue. City-County Planning Commission Planner Steve Hunter responded that he had discussed the issue with the developer, and that the developer did not have a problem with keeping one entrance as part of the development of Phase I.

MUNICIPAL ORDER NO. 2007 - 118

MUNICIPAL ORDER APPROVING THE PROMOTION OF RYAN
KEITH JOHNSON TO THE POSITION OF LEAD EQUIPMENT
OPERATOR IN THE PUBLIC WORKS DEPARTMENT,
OPERATIONS DIVISION

Summary of Municipal Order No. 2007 - 118 was read by the Assistant City Manager/City Clerk. DeFebbo reviewed the qualifications of the recommended individual for promotion. 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: Strow, Wilkerson, Denning, Nash and Walker
 Voting Nay: None

Municipal Order No. 2007 - 118 was approved by unanimous vote.

Note: Municipal Order No. 2007 - 119 was previously considered.

MUNICIPAL ORDER NO. 2007 - 120

MUNICIPAL ORDER AUTHORIZING AND ACCEPTING
NEGOTIATIONS AFTER SEALED BIDDING OF BID #2007-32 FOR
KY880 SHARED-USE PATH DESIGN AND BUILD FROM
SCOTTY'S CONTRACTING AND STONE, LLC OF BOWLING
GREEN, KENTUCKY IN THE AMOUNT OF \$116,150

Summary of Municipal Order No. 2007 - 120 was read by the Assistant City Manager/City Clerk. DeFebbo reviewed the recommended bid award and the City's role as a conduit to provide administration of the federal funds for the Greenways Commission. Comm. Wilkerson commented about the source of funds and the need for approval by the City even though the project was not within the city limits. 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: Strow, Wilkerson, Denning, Nash and Walker
Voting Nay: None

Municipal Order No. 2007 - 120 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2007 - 121

MUNICIPAL ORDER AUTHORIZING AND ACCEPTING BID #2007-39 FOR POLICE DIGITAL IN-CAR VIDEO SYSTEM FROM MOBILE COMMUNICATIONS (INTEGRIN) OF NORISVILLE, NORTH CAROLINA IN THE AMOUNT OF \$131,125

Summary of Municipal Order No. 2007 - 121 was read by the Assistant City Manager/City Clerk. DeFebbo reviewed the recommended bid award to purchase equipment for police vehicles. Police Sergeant Curtis Clark outlined the benefits of changing to digital equipment versus an analogue system. 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: Strow, Wilkerson, Denning, Nash and Walker
Voting Nay: None

Municipal Order No. 2007 - 121 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2007 - 122

MUNICIPAL ORDER AUTHORIZING AND ACCEPTING NEGOTIATIONS AFTER SEALED BIDDING OF BID #2007-16 FOR DESIGN/BUILD SERVICES FOR STREET RESURFACING FROM KENWAY CONTRACTING OF BOWLING GREEN, KENTUCKY IN THE AMOUNT OF \$1,182,400

Summary of Municipal Order No. 2007 - 122 was read by the Assistant City Manager/City Clerk. DeFebbo reviewed the recommended bid award for the annual overlay and new alley program. Public Works Director Emmett Wood explained the market affects on the price of asphalt. He also responded to questions concerning the order in which streets would be paved, whether the corner of Cave Mill and Nashville Roads would be included in this contract, and the ability to address Fruit of the Loom Drive. Motion was made by Strow 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: Strow, Wilkerson, Denning, Nash and Walker
Voting Nay: None

Municipal Order No. 2007 - 122 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2007 - 123

MUNICIPAL ORDER AUTHORIZING AND ACCEPTING BID #2007-49 FOR PRELIMINARY DESIGN SERVICES FOR IMPROVEMENTS TO THE OLD MORGANTOWN ROAD

CORRIDOR FROM GRESHAM, SMITH AND PARTNERS OF
NASHVILLE, TENNESSEE IN THE AMOUNT OF \$80,000

Summary of Municipal Order No. 2007 - 123 was read by the Assistant City Manager/City Clerk. DeFebbo commented about the City's priority to improve traffic flow and streets, and an effort to revitalize a neighborhood. Public Works Director Emmett Wood responded to questions regarding the bid evaluation process. Assistant City Engineer Melissa Cansler also responded to questions regarding the selection process and the need for bidders to meet minimum specifications as outlined in the request for proposals. Motion was made by Strow 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: Strow, Wilkerson, Denning, Nash and Walker
 Voting Nay: None

Municipal Order No. 2007 - 123 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2007 - 124

MUNICIPAL ORDER AUTHORIZING AND ACCEPTING BID
#2007-52 FOR LOST RIVER WETLAND DESIGN FROM
ENGINEERING CONSULTING SERVICES, INC. OF LEXINGTON,
KENTUCKY IN THE AMOUNT OF \$28,640

Summary of Municipal Order No. 2007 - 124 was read by the Assistant City Manager/City Clerk. DeFebbo commented about the City's responsibility to comply with federal stormwater regulation standards (also referred to as NPDES) and this particular project to address a potentially high volume location for stormwater run-off. City Engineer Jeff Lashlee reviewed the evaluation criteria and selection process, which included consideration of the bidder's experience with similar projects. There was discussion regarding the recommendation to not select the lowest bidder (DDS Engineering at \$25,000) based on less experience. Comm. Wilkerson noted that his decision would be based on the discussion and with regard to economic benefit as the lowest bidder was considered a qualified bidder. Comm. Nash made a motion, which was seconded by Denning, to table Municipal Order No. 2007 - 124 until the next meeting, and he requested information be provided regarding the exact experience of the lowest bidder and the recommended bidder in order to make a more informed decision. A roll call vote was taken.

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

Motion to table Municipal Order No. 2007 - 124 until the April 17, 2007 meeting was approved by unanimous vote.

MUNICIPAL ORDER NO. 2007 - 125

MUNICIPAL ORDER AUTHORIZING APPROVAL AND
SUBMISSION OF FISCAL YEAR 2007/08 ANNUAL PLAN FOR
THE SECTION 8 HOUSING CHOICE VOUCHER PROGRAM

Summary of Municipal Order No. 2007 - 125 was read by the Assistant City Manager/City Clerk. DeFebbo explained the requirement to submit the annual plan to the Department of Housing

and Urban Development (HUD). Housing and Community Development Director Alice Burks clarified that the Scholar House was addressed in the Action Plan. Motion was made by Nash 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: Strow, Wilkerson, Denning, Nash and Walker
 Voting Nay: None

Municipal Order No. 2007 - 125 was approved by unanimous vote.

ORDINANCE NO. BG2007 - 13

(First Reading)

ORDINANCE AMENDING CODE OF ORDINANCES

**ORDINANCE AMENDING THE CITY OF BOWLING GREEN
CODE OF ORDINANCES TO ADD A NEW CHAPTER (28)
RELATING TO FLOOD DAMAGE PREVENTION**

Title and summary of Ordinance No. BG2007 - 13 was read by the Assistant City Manager/City Clerk. DeFebbo stated the City's requirement to update its flood maps and in conjunction, the Federal Emergency Management Association (FEMA) recommended the adoption of an ordinance regarding flood damage prevention. City-County Planning Commission Planner Steve Hunter reviewed the process undertaken to update the flood maps and noted that a model ordinance was provided by the Kentucky Division of Water. City Attorney Gene Harmon confirmed the need to participate in national flood prevention. Motion was made by Strow and seconded by Denning 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: Strow, Wilkerson, Denning, Nash and Walker
 Voting Nay: None

First reading of Ordinance No. BG2007 - 13 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 (k) as previously approved.

ADJOURNMENT

Once all discussion concluded in closed session and there being no further business to come before the Board of Commissioners, at approximately 9:20 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) presentation of the Lost River Cave and Valley Interpretive Master Plan; and 2) two downtown redevelopment proposals, including a baseball development plan and a separate conceptual plan for the 700 block of State Street.

ADOPTED: _____

APPROVED: _____
Mayor, Chairman of Board of Commissioners

ATTEST: _____
City Clerk

Minutes prepared by Assistant City Manager/City Clerk Katie Schaller