

**MINUTES of REGULAR MEETING
of the BOARD of COMMISSIONERS
of the CITY of BOWLING GREEN, KENTUCKY
held SEPTEMBER 19, 2006**

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 19, 2006. Mayor Elaine N. Walker called the meeting to order. An invocation was given by Commissioner Mark Alcott, 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 Mark D. Alcott, Commissioner Brian "Slim" Nash, Commissioner Delane Simpson and Mayor Elaine N. Walker. Absent: none. There was a full quorum of the Board of Commissioners.

PUBLIC HEARING

Chief Financial Officer Jeff Meisel conducted a public hearing for the purpose of obtaining comments from citizens regarding the proposed 2006 property tax rates that was recommended to be \$0.255 per \$100 assessed property value to capture a four percent (4%) growth rate on existing real estate as permitted by HB44, and which was less than the 2005 rate of \$0.257. He also stated that tax bills will be mailed out in the next few weeks and payment is due December 31, 2006. Mr. Meisel responded to questions from the Board of Commissioners regarding the compensating rate of \$0.245 and the proposed tax rate. There were no comments from the public regarding the 2006 proposed tax rates.

PUBLIC COMMENTS

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

PRESENTATION

Family Counselor Carol McClure presented information regarding the City's Dollar Wi\$e Campaign and recognized the community partners participating in the program. Mayor Walker proclaimed September 25-30, 2006 as Dollar Wi\$e Week and urged all citizens to acknowledge the importance of financial literacy. Comm. Nash commented about the program offered in the detention center and appreciated all the work involved.

CITY MANAGER

City Manager Kevin D. DeFebbo withdrew item number 16, Municipal Order No. 2006-222 regarding a personnel appointment, from the agenda. He 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, and for discussion of proposed or pending litigation against or on behalf of the City. Motion was made by Strow and seconded by Simpson to convene in closed session following the regular meeting pursuant to KRS 61.810 (b) and (c). Walker called for roll call vote.

ROLL CALL: Voting Yea: Strow, Alcott, Nash, Simpson and Walker

Voting Nay: None

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

City Manager DeFebbo announced a change to the regular meeting schedule for the first meeting in November which would be held on Wednesday, November 8, 2006 at 7:00 p.m. with a possible work session at 4:00 p.m. if needed. This change was due to elections falling on the regular meeting schedule date.

Mayor Walker also withdrew item number 10, Municipal Order No. 2006 - 218 regarding an appointment to the Regional Airport Board, from the agenda.

CHANGE ORDER OF AGENDA

Comm. Nash made a motion, seconded by Simpson, to change the order of the agenda to consider item number 8 (Municipal Order No. 2006 - 216) related to a personnel appointment at this time. Walker called for roll call vote.

ROLL CALL: Voting Yea: Strow, Alcott, Nash, Simpson and Walker

Voting Nay: None

Motion to change the order of the agenda to consider Municipal Order No. 2006 - 216 at this time was approved by unanimous vote.

MUNICIPAL ORDER NO. 2006 - 216

MUNICIPAL ORDER APPROVING THE PROBATIONARY APPOINTMENT OF JAMES ROBERT HILLARD TO THE POSITION OF PARKS FACILITY MAINTAINER IN THE PARKS AND RECREATION DEPARTMENT, MAINTENANCE DIVISION

Summary of Municipal Order No. 2006 - 216 was read by the Assistant City Manager/City Clerk. DeFebbo reviewed the applicant's qualifications and recommended the appointment. Motion was made by Simpson 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, Alcott, Nash, Simpson and Walker

Voting Nay: None

Municipal Order No. 2006 - 216 was approved by unanimous vote.

RESUME REGULAR ORDER OF AGENDA

APPROVAL OF MINUTES

Minutes of Regular Meeting September 5, 2006

Minutes of the above-referenced meeting were distributed to the Board of Commissioners with the Agenda for their review. Motion was made by Alcott 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: Strow, Alcott, Nash, Simpson and Walker

Voting Nay: None

Motion to approve the minutes of the regular meeting of September 5, 2006 was approved by unanimous vote.

ANNOUNCEMENT

Mayor Walker announced that today was “International Talk Like a Pirate Day.”

ORDINANCE NO. BG2006 - 29
(Second Reading)
ORDINANCE RENAMING STREET

ORDINANCE APPROVING THE RENAMING OF ALVATON ROAD
TO KEN BALE BOULEVARD

Title and summary of Ordinance No. BG2006 - 29 was read by the Assistant City Manager/City Clerk. Motion was made by Strow 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, Alcott, Nash, Simpson and Walker
 Voting Nay: None

Ordinance No. BG2006 - 29 was adopted by unanimous vote.

ORDINANCE NO. BG2006 - 30
(Second Reading)
ORDINANCE RENAMING STREET

ORDINANCE APPROVING THE RENAMING OF HOUSTON
COURT TO WESTPARK DRIVE

Title and summary of Ordinance No. BG2006 - 30 was read by the Assistant City Manager/City Clerk. Motion was made by Strow 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, Alcott, Nash, Simpson and Walker
 Voting Nay: None

Ordinance No. BG2006 - 30 was adopted by unanimous vote.

ORDINANCE NO. BG2006 - 31
(Second Reading)
ORDINANCE RELATING TO CLASSIFICATION/PAY SCHEDULE

ORDINANCE AMENDING THE CLASSIFICATION/PAY
SCHEDULE “G” FOR GENERAL CLASSIFIED EMPLOYEES OF
THE CITY OF BOWLING GREEN FOR FISCAL YEAR 2007

Title and summary of Ordinance No. BG2006 - 31 was read by the Assistant City Manager/City Clerk. Motion was made by Nash 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: Strow, Alcott, Nash, Simpson and Walker

Voting Nay: None
Ordinance No. BG2006 - 31 was adopted by unanimous vote.

ORDINANCE NO. BG2006 - 32
(Second Reading)
ORDINANCE AMENDING CODE OF ORDINANCES

ORDINANCE AMENDING CHAPTER 11 (FINANCE, TAXATION AND ECONOMIC DEVELOPMENT) OF THE CITY OF BOWLING GREEN CODE OF ORDINANCES TO MAKE AMENDMENTS TO THE JOB DEVELOPMENT INCENTIVE PROGRAM AND TO MAKE OTHER ADMINISTRATIVE CHANGES RELATED TO THE COMBINATION OF THE POSITIONS OF CHIEF FINANCIAL OFFICER AND CITY TREASURER

Title and summary of Ordinance No. BG2006 - 32 was read by the Assistant City Manager/City Clerk. Motion was made by Strow and seconded by Simpson 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, Alcott, Nash, Simpson and Walker
Voting Nay: None

Ordinance No. BG2006 - 32 was adopted by unanimous vote.

MUNICIPAL ORDER NO. 2006 - 214

MUNICIPAL ORDER AUTHORIZING AND APPROVING A REVISION TO THE SECTION 8 HOUSING CHOICE VOUCHER (HCV) ADMINISTRATIVE PLAN AND FY06/07 ANNUAL PLAN FOR THE CITY'S SECTION 8 HOUSING CHOICE VOUCHER PROGRAM

Summary of Municipal Order No. 2006 - 214 was read by the Assistant City Manager/City Clerk. DeFebbo reviewed the recommended changes for a Kentucky Housing Corporation initiative called Scholar House. Housing Manager Vallory Schocke responded to questions regarding the proposed project based vouchers for single parent families enrolled in higher education. Motion was made by Simpson and seconded by Alcott 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, Alcott, Nash, Simpson and Walker
Voting Nay: None

Municipal Order No. 2006 - 214 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2006 - 215

MUNICIPAL ORDER APPROVING FISCAL YEARS 2006/2007 THROUGH 2008/2009 CAPITAL IMPROVEMENT PROGRAM FOR THE CITY OF BOWLING GREEN, KENTUCKY

Summary of Municipal Order No. 2006 - 215 was read by the Assistant City Manager/City Clerk. DeFebbo indicated a three-year capital improvement plan was typically prepared as part of the budgetary process. He noted that the Fiscal Year 2006/2007 capital items were included and approved June 26, 2006 as part of the operating budget and that the out years were just a planning guide. Comm. Strow expressed concern regarding projects listed in the out years such as swimming facilities and golf improvements versus items omitted in the out years like new road projects, an on-going greenways allocation, Circus Square improvements and lighting for the skate park. Mayor Walker noted that additional projects are brought up during the strategic planning phase of each year's budget. Comm. Alcott agreed with Comm. Strow that the Board should address the out years as a part of the plan since it is incorporated in the Municipal Order as if copied in full.

Mr. DeFebbo noted that the out years were a wish list by departments that would be readdressed during the actual budgetary planning of each of those years. As a compromise, Mr. DeFebbo suggested that the Board amend the Municipal Order to approve only the Fiscal Year 2006/2007 projects and that the out years could be discussed at a future work session. Motion was made by Nash and seconded by Simpson to amend Municipal Order No. 2006 - 215 to remove reference to Fiscal Years 2007/2008 and 2008/2009. Mayor Walker asked for additional discussion, and with none, a roll call vote was taken.

ROLL CALL: Voting Yea: Strow, Alcott, Nash, Simpson and Walker
 Voting Nay: None

Motion to amend Municipal Order No. 2006 - 215 to remove reference to the out years of the plan until such time as they could be addressed by the Board of Commissioners at a future work session was approved by unanimous vote.

MUNICIPAL ORDER NO. 2006 - 215

As Amended

**MUNICIPAL ORDER APPROVING FISCAL YEARS 2006/2007
~~THROUGH 2008/2009~~ CAPITAL IMPROVEMENT PROGRAM FOR
THE CITY OF BOWLING GREEN, KENTUCKY**

Motion was made by Alcott and seconded by Nash for consideration of said Municipal Order as amended. Mayor Walker asked for additional discussion, and with none, a roll call vote was taken.

ROLL CALL: Voting Yea: Strow, Alcott, Nash, Simpson and Walker
 Voting Nay: None

Municipal Order No. 2006 - 215 as amended was approved by unanimous vote.

MUNICIPAL ORDER NO. 2006 - 217

**MUNICIPAL ORDER AUTHORIZING THE PURCHASE OF
SAVINGS BONDS FROM US BANK OF BOWLING GREEN,
KENTUCKY IN THE AMOUNT OF \$53,600 FOR THE SAFETY
COMPLIANCE INCENTIVE PROGRAM, AND DISTRIBUTION OF
THE SAVINGS BOND TO QUALIFYING EMPLOYEES**

Summary of Municipal Order No. 2006 - 217 was read by the Assistant City Manager/City Clerk. DeFebbo reviewed the safety incentive program and recommended approval of this item. Safety/Training Manager David Weisbrodt explained the program and qualifications to receive an

incentive award. 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, Alcott, Nash, Simpson and Walker
 Voting Nay: None

Municipal Order No. 2006 - 217 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2006 – 218

**MUNICIPAL ORDER APPROVING THE APPOINTMENT OF
SHAILEN BHATT TO THE BOWLING GREEN-WARREN COUNTY
REGIONAL AIRPORT BOARD**

Municipal Order No. 2006 - 218 was previously withdrawn from the agenda.

MUNICIPAL ORDER NO. 2006 – 219

**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 30, 2006**

Summary of Municipal Order No. 2006 - 219 was read by the Assistant City Manager/City Clerk. Mayor Walker urged everyone to attend the festival. Motion was made by Alcott 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, Alcott, Nash, Simpson and Walker
 Voting Nay: None

Municipal Order No. 2006 - 219 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2006 – 220

**MUNICIPAL ORDER AUTHORIZING AND ACCEPTING BID #
2007-07 FOR A CONTRACT WITH HART FREELAND ROBERTS
OF BRENTWOOD, TENNESSEE FOR PROFESSIONAL
ARCHITECTURAL, ENGINEERING AND DESIGN SERVICES TO
THE TENNIS COMPLEX AT KEREIAKES PARK IN THE AMOUNT
OF \$40,570**

Summary of Municipal Order No. 2006 - 220 was read by the Assistant City Manager/City Clerk. DeFebbo reviewed the capital improvement project. Parks and Recreation Director Ernie Gouvas explained the need to make improvements to the tennis facilities at Kereiakes Park and reviewed the bid process and recommended bid award. He also responded to questions regarding the project construction timeline, the impact to the tennis season and the impact of lighting improvements. Comm. Strow expressed concern with obstructing the tennis tournament season. Mayor Walker stated that she trusted that the City would proceed during a timeframe that would provide minimal impact

and that ample notice would be given. Motion was made by Nash and seconded by Simpson 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, Alcott, Nash, Simpson and Walker

Voting Nay: None

Municipal Order No. 2006 - 220 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2006 - 221

MUNICIPAL ORDER ACCEPTING THE CITY OF BOWLING GREEN, KENTUCKY COMPREHENSIVE ANNUAL FINANCIAL REPORT FOR THE PERIOD ENDING JUNE 30, 2005 AS PREPARED BY THE DEPARTMENT OF FINANCE AND AUDITED BY MOUNTJOY & BRESSLER, LLP

Summary of Municipal Order No. 2006 - 221 was read by the Assistant City Manager/City Clerk. DeFebbo stated the Fiscal Year 2005 Audit was presented for approval. Randy Davis of Mountjoy & Bressler, LLP reviewed the report, findings and auditor's opinion. Mr. Davis responded to questions regarding suggestions included in the management letter and the internal auditor's position with the City. Motion was made by Simpson 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, Alcott, Nash, Simpson and Walker

Voting Nay: None

Municipal Order No. 2006 - 221 was approved by unanimous vote.

ORDINANCE NO. BG2006 - 33

(First Reading)

ORDINANCE REZONING REAL ESTATE

ORDINANCE REZONING A TRACT OF LAND CONTAINING 31.32 ACRES FROM AG (AGRICULTURE) TO HB (HIGHWAY BUSINESS), RS-1A (SINGLE FAMILY RESIDENTIAL) AND OP-C (OFFICE PROFESSIONAL-COMMERCIAL) LOCATED ON CUMBERLAND TRACE ROAD AND OLD SCOTTSVILLE ROAD, WITH BINDING ELEMENTS, PRESENTLY OWNED BY EPI INVESTMENTS, LLC

Title and summary of Ordinance No. BG2006 - 33 was read by the Assistant City Manager/City Clerk. City-County Planning Commission Director Andy Gillies reviewed the recommended rezoning and associated binding elements. He responded to questions regarding the proposed single family residential development and the number of entrances and exits planned for the overall development. Comm. Nash expressed concern that one of the access points was too close to an existing intersection.

Lisa Butterfield, a resident on Old Scottsville Road, expressed concerns with the development and already existing traffic issues in that area.

Motion was made by Alcott 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: Strow, Alcott, Nash, Simpson and Walker
 Voting Nay: None

First reading of Ordinance No. BG2006 - 33 was approved by unanimous vote.

ORDINANCE NO. BG2006 - 34

(First Reading)

ORDINANCE RELATING TO PROPERTY TAX RATES

**ORDINANCE SETTING 2006 PROPERTY TAX RATES,
FRANCHISE TAX RATES AND IMPROVEMENT ASSESSMENT
RATES, AND SETTING FORTH GUIDELINES FOR PAYMENT
PENALTY AND INTEREST**

Title and summary of Ordinance No. BG2006 - 34 was read by the Assistant City Manager/City Clerk. DeFebbo stated that this was the subject of the earlier public hearing and that he recommended approval as proposed. Motion was made by Nash and seconded by Simpson 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, Alcott, Nash, Simpson and Walker
 Voting Nay: None

First reading of Ordinance No. BG2006 - 34 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2006 - 222

**MUNICIPAL ORDER APPROVING THE PROBATIONARY
APPOINTMENT OF JOSHUA CORY CLAY TO THE POSITION OF
ATHLETICS FACILITY COORDINATOR IN THE PARKS AND
RECREATION DEPARTMENT**

Municipal Order No. 2006 - 222 was previously withdrawn from the agenda.

MUNICIPAL ORDER NO. 2006 - 223

**MUNICIPAL ORDER AUTHORIZING AND ACCEPTING THE
FISCAL YEAR 2007 CAPITAL IMPROVEMENT PROJECT OF THE
GREENWAYS COMMISSION OF BOWLING GREEN AND
WARREN COUNTY TO COMPLETE A LOOP WITHIN THE
GREENWAYS MASTER PLAN**

Summary of Municipal Order No. 2006 - 223 was read by the Assistant City Manager/City Clerk. At Comm. Strow's request, Greenways Coordinator Helen Siewers reviewed the proposed capital improvement project to develop the "River Walk Park to Sugar Maple Square" loop. Ms. Siewers responded to questions regarding bicycle crash data, existing crossing facilities at intersections, the proposed railroad crossing, timeframe for completion and funding for Phase II.

Downtown Redevelopment Authority Executive Director Cheryl Blaine responded to questions regarding whether DRA had approved the development plan for the portion that was in The District. Mayor Walker stated that she had a concern with the City approving the project before it was presented to DRA. She suggested tabling the item for two weeks. Comm. Strow expressed his desire that the project move forward.

Greenways Commission member Jim Bullington stated that he voted against the plan for safety reasons, particularly the portion of the plan that crosses Kentucky Street at the 31W By-Pass and includes a crossing at the CSX railroad. He urged the removal of Phase II from the plan which included those crossings.

Sharron Hogue, a member of the Bowling Green Housing Authority Resident Council, spoke in support of the plan.

Motion was made by Alcott and seconded by Simpson to table Municipal Order No. 2006 – 223 until the October 3, 2006 Board of Commissioners meeting. Mayor Walker asked for additional discussion, and with none, a roll call vote was taken.

ROLL CALL: Voting Yea: Strow, Alcott, Nash, Simpson and Walker
 Voting Nay: None

Motion to table Municipal Order No. 2006 – 223 until the October 3, 2006 Board of Commissioners meeting was approved by unanimous vote.

CLOSED SESSION CANCELED

City Manager DeFebbo suggested the Board postpone the previously approved closed session discussions to a later date since one of the parties for the discussion was not in attendance and due to the late hour. The Board members all agreed.

ADJOURNMENT

There being no further business to come before the Board of Commissioners, at approximately 9:35 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) status report and update regarding the Downtown Signalization Project; and, 2) presentation regarding underground utilities along Lovers Lane.

ADOPTED: _____

APPROVED: _____
Mayor, Chairman of Board of Commissioners

ATTEST: _____
City Clerk

Minutes prepared by Assistant City Manager/City Clerk Katie Schaller