

**MINUTES of SPECIAL MEETING  
of the BOARD of COMMISSIONERS  
of the CITY of BOWLING GREEN, KENTUCKY  
held JANUARY 29, 2008**

The Board of Commissioners of the City of Bowling Green, Kentucky met in special session in the Commission Chamber of City Hall, Bowling Green, Kentucky at 7:00 p.m. on January 29, 2008. 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 Bruce Wilkerson, Commissioner Joe W. Denning, Commissioner Brian "Slim" Nash, Commissioner Brian K. Strow and Mayor Elaine N. Walker. Absent: none. There was a full quorum of the Board of Commissioners.

**AWARDS & RECOGNITIONS**

Mayor Walker recognized City-County Planning Commission Staff Engineer Mac Yowell who was recently inducted into the Kentucky Transportation Hall of Fame. She also welcomed Boy Scout Troop 138 who were in attendance to achieve their Eagle Scout designation.

**PRESENTATION**

Comptroller Wilma Brown presented information regarding CERS (County Employee Retirement System) rates projected over the next few years and their potential impact to the City's budget. She provided background information regarding the City's involvement in CERS since 1969 for non-hazardous and 1989 for hazardous benefits, including the employee's contribution rate which remain fixed since the 1990's and the employer's contribution rate which continue to rise. Ms. Brown also noted the impact of the health insurance portion of the CERS rates as the driving factor behind the rise in costs to the City.

**CITY MANAGER**

City Manager Kevin D. DeFebbo welcomed Police Officer Donitka Kay who was in attendance to provide increased security.

**APPROVAL OF MINUTES**

Minutes of Special Meeting January 7, 2008

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

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

Motion to approve the minutes of the special meeting of January 7, 2008 was approved by unanimous vote.

CONSENT AGENDA

Mayor Walker requested if there were any items to be removed from the Consent Agenda prior to its consideration. With none, Assistant City Manager/City Clerk Katie Schaller read the summaries of each of the following items:

MUNICIPAL ORDER NO. 2008 - 12

MUNICIPAL ORDER APPROVING AND AUTHORIZING OUT-OF-TOWN TRAVEL EXPENSES AND REIMBURSEMENT FOR MAYOR ELAINE N. WALKER TO ATTEND THE NATIONAL FORUM ON HOMEOWNERSHIP PRESERVATION AND FORECLOSURE IN DETROIT, MICHIGAN

MUNICIPAL ORDER NO. 2008 - 13

MUNICIPAL ORDER APPROVING AND AUTHORIZING OUT-OF-TOWN TRAVEL EXPENSES FOR MAYOR ELAINE N. WALKER TO ATTEND THE MAYORS' INSTITUTE ON CITY DESIGN, MIDWEST SESSION, IN ST. LOUIS, MISSOURI

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

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

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

REGULAR AGENDA

ORDINANCE NO. BG2008 - 1

(Second Reading)

ORDINANCE REZONING REAL ESTATE

ORDINANCE REZONING A TRACT OF LAND CONTAINING 13.94 ACRES FROM LI (LIGHT INDUSTRY) TO HB (HIGHWAY BUSINESS) LOCATED ON NASHVILLE ROAD AND FLEX PARK DRIVE, WITH BINDING ELEMENTS, PRESENTLY OWNED BY DOMINION SEVEN, LLC AND MUSIC CITY USA, INC., AS CONTRACT VENDEE

Title and summary of Ordinance No. BG2008 - 1 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: Wilkerson, Denning, Nash, Strow and Walker  
                  Voting Nay: None

Ordinance No. BG2008 - 1 was adopted by unanimous vote.

ORDINANCE NO. BG2008 - 2  
(Second Reading)  
ORDINANCE AMENDING CODE OF ORDINANCES

ORDINANCE AMENDING CHAPTER 2 (ADMINISTRATION) OF  
THE CITY OF BOWLING GREEN CODE OF ORDINANCES TO  
CHANGE THE START TIME FOR WORK SESSION MEETINGS

Title and summary of Ordinance No. BG2008 - 2 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 reviewed the research provided by Ms. Schaller regarding the average amount of time the Board had spent in work sessions during the past three years, which ranged from approximately an hour and a half to over two hours per session.

Comm. Strow suggested that his proposal to change the start time to 5:30 p.m. would allow the meetings to begin after the general work day and to be in a more prime time viewer slot. However, Strow made a motion, seconded by Nash, to amend Ordinance No. BG2008 - 2 to adjust the start time to 5:00 p.m. to provide slightly more time based on the research data reported by the Mayor. Once discussion ended, a roll call vote was taken.

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

Motion to amend Ordinance No. BG2008 - 2 to adjust the time to 5:00 p.m. was defeated by majority vote.

Mayor Walker commented about the benefit of the work sessions and her support for leaving the start time as it was which generally provided time for a dinner break between meetings. With no further discussion, a roll call vote was taken.

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

Ordinance No. BG2008 - 2 was defeated by majority vote.

ORDINANCE NO. BG2008 - 3  
(Second Reading)  
ORDINANCE AMENDING CODE OF ORDINANCES

ORDINANCE AMENDING CHAPTER 2 (ADMINISTRATION) OF  
THE CITY OF BOWLING GREEN CODE OF ORDINANCES TO  
INCREASE THE SALARY FOR ELECTED OFFICIALS AS  
RECOMMENDED BY THE ELECTED OFFICIALS SALARY TASK  
FORCE

Title and summary of Ordinance No. BG2008 - 3 was read by the Assistant City Manager/City Clerk. Motion was made by Denning and seconded by Walker for second reading of said Ordinance. Comm. Denning reviewed his proposal to adjust salaries within the range recommended by the Task Force. Comm. Strow stated, as he did at the previous meeting, that if the issue could not be decided on before 4:00 p.m. today (filing deadline to run for elected office), he would not support any change.

Mayor Walker commented about the time spent by the Task Force and she appreciated their efforts. Once all discussion ended, a roll call vote was taken.

ROLL CALL:           Voting Yea: Denning and Walker  
                          Voting Nay: Wilkerson, Nash and Strow  
Ordinance No. BG2008 - 3 was defeated by majority vote.

ORDINANCE NO. BG2008 - 4  
(Second Reading)  
ORDINANCE AMENDING CODE OF ORDINANCES

ORDINANCE AMENDING CHAPTER 2 (ADMINISTRATION) OF  
THE CITY OF BOWLING GREEN CODE OF ORDINANCES TO  
INCREASE THE SALARY FOR ELECTED OFFICIALS BASED ON  
THE AVERAGE SALARIES PROVIDED TO OTHER "CLASS 2"  
CITIES IN KENTUCKY WITH THE CITY MANAGER FORM OF  
GOVERNMENT

Ordinance No. BG2008 - 4 was withdrawn from consideration. There will be no further action taken on this item.

MUNICIPAL ORDER NO. 2008 - 14

MUNICIPAL ORDER APPROVING THE PROMOTIONS OF  
MATTHEW S. JOHNSON AND KEVIN EARL MEREDITH TO THE  
POSITION OF OPERATIONS TECHNICIAN I IN THE PUBLIC  
WORKS DEPARTMENT, OPERATIONS DIVISION

Summary of Municipal Order No. 2008 - 14 was read by the Assistant City Manager/City Clerk. Motion was made by Wilkerson and seconded by Denning for consideration of said Municipal Order. DeFebbo recommended the promotions based on the career path program. Public Works Director Emmett Wood reviewed the qualifications for promotion. Mayor Walker asked for additional discussion, and with none, a roll call vote was taken.

ROLL CALL:           Voting Yea: Wilkerson, Denning, Nash, Strow and Walker  
                          Voting Nay: None  
Municipal Order No. 2008 - 14 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2008 - 15

MUNICIPAL ORDER APPROVING THE PROBATIONARY  
APPOINTMENT OF HUGH C. ENGLAND TO THE POSITION OF  
POLICE OFFICER IN THE POLICE DEPARTMENT

Summary of Municipal Order No. 2008 - 15 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 recommended the appointment of the certified officer who was previously employed by the City in the mid 1990's. Mayor Walker asked for additional discussion, and with none, a roll call vote was taken.

ROLL CALL:           Voting Yea:   Wilkerson, Denning, Nash, Strow and Walker  
                          Voting Nay:   None  
Municipal Order No. 2008 - 15 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2008 - 16

MUNICIPAL ORDER APPROVING THE PROBATIONARY APPOINTMENT OF REGINA MARGARITA GOMEZ TO THE POSITION OF ADMINISTRATIVE ASSISTANT IN THE HUMAN RESOURCES AND RISK MANAGEMENT DEPARTMENT

Summary of Municipal Order No. 2008 - 16 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 appointment. Comm. Nash welcomed the opportunity to access Ms. Gomez's bilingual skills to assist other departments as well. Mayor Walker asked for additional discussion, and with none, a roll call vote was taken.

ROLL CALL:           Voting Yea:   Wilkerson, Denning, Nash, Strow and Walker  
                          Voting Nay:   None  
Municipal Order No. 2008 - 16 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2008 - 17

MUNICIPAL ORDER APPROVING THE PROBATIONARY APPOINTMENT OF TAMMY WYNETTE TAPP TO THE POSITION OF CUSTODIAN IN THE PARKS AND RECREATION DEPARTMENT

Summary of Municipal Order No. 2008 - 17 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 appointment. Mayor Walker asked for additional discussion, and with none, a roll call vote was taken.

ROLL CALL:           Voting Yea:   Wilkerson, Denning, Nash, Strow and Walker  
                          Voting Nay:   None  
Municipal Order No. 2008 - 17 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2008 - 18

MUNICIPAL ORDER AUTHORIZING THE SUBMISSION OF A LETTER OF INTENT TO APPLY FOR TRANSPORTATION ENHANCEMENT FUNDS IN THE AMOUNT OF \$175,000 FOR THE FRIENDS OF L & N DEPOT, INC.

Summary of Municipal Order No. 2008 - 18 was read by the Assistant City Manager/City Clerk. Motion was made by Wilkerson and seconded by Denning for consideration of said Municipal Order. DeFebbo reviewed the request by the Friends of L & N Depot to seek sponsorship for grant funds to renovate a historic rail car. Friends of L & N Depot Executive Director Sharon Tabor

responded to questions about the required local match. Mayor Walker asked for additional discussion, and with none, a roll call vote was taken.

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

Municipal Order No. 2008 - 18 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2008 - 19

MUNICIPAL ORDER APPROVING AND AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH MODERN WELDING COMPANY, INC. RELATED TO THE CONNECTION OF MODERN WAY TO INDUSTRIAL DRIVE AND FURTHER AUTHORIZING THE EXECUTION OF DEEDS, PLATS OR OTHER DOCUMENTS NECESSARY FOR THIS PROJECT

Summary of Municipal Order No. 2008 - 19 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 ease traffic flow in the Nashville Road and Dishman Lane area. Public Works Director Emmett Wood responded to a question about adding additional signage to alert the public of the new route. Mayor Walker thanked staff for their efforts with this project and thanked Modern Welding for the donation of property. With no additional discussion, a roll call vote was taken.

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

Municipal Order No. 2008 - 19 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2008 - 20

MUNICIPAL ORDER AUTHORIZING AND ACCEPTING NEGOTIATIONS AFTER SEALED BIDDING FOR BID #2008-35 FOR THE PURCHASE OF A DODGE SPRINTER VAN FROM FREEDOM DODGE CHRYSLER FORD OF LOUISVILLE, KENTUCKY IN THE AMOUNT OF \$45,000

Summary of Municipal Order No. 2008 - 20 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 recommended the bid award to address a need for the Police Department's Critical Response Team to respond to incidents safely. Mayor Walker asked for additional discussion, and with none, a roll call vote was taken.

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

Municipal Order No. 2008 - 20 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2008 - 21

MUNICIPAL ORDER AUTHORIZING AND ACCEPTING THE PURCHASE OF TWO ADDITIONAL POLICE PACKAGE PATROL

VEHICLES ASSOCIATED WITH BID #2008-05 FOR VEHICLE REPLACEMENT FROM GREENWOOD FORD OF BOWLING GREEN, KENTUCKY IN THE AMOUNT OF \$41,764

Summary of Municipal Order No. 2008 - 21 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 recommendation to replace two damaged rear-wheel drive vehicles at previously established prices, which would be purchased with under spending left over from the initial bid. He Mayor Walker asked for additional discussion, and with none, a roll call vote was taken.

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

Municipal Order No. 2008 - 21 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2008 - 22

MUNICIPAL ORDER AUTHORIZING AND ACCEPTING BID #2008-41 FOR KEREIAKES PARK TENNIS COURT LIGHTING MATERIALS FROM HUNTER KNEPSHIELD, INC. OF LAGRANGE, KENTUCKY IN THE AMOUNT OF \$68,050

Summary of Municipal Order No. 2008 - 22 was read by the Assistant City Manager/City Clerk. Motion was made by Wilkerson and seconded by Strow for consideration of said Municipal Order. DeFebbo recommended the bid award to purchase materials which in-house staff would install. Parks and Recreation Director Ernie Gouvas responded to questions about the new lighting system and the ability to save money by installing it in-house. Mayor Walker asked for additional discussion, and with none, a roll call vote was taken.

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

Municipal Order No. 2008 - 22 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2008 - 23

MUNICIPAL ORDER AUTHORIZING AND ACCEPTING BID #2007-26 FOR MODERN WAY CURVE IMPROVEMENT PROJECT FROM CHARLES DEWEESE CONSTRUCTION COMPANY INC. OF FRANKLIN, KENTUCKY IN THE AMOUNT OF \$39,379

Summary of Municipal Order No. 2008 - 23 was read by the Assistant City Manager/City Clerk. Motion was made by Nash and seconded by Wilkerson for consideration of said Municipal Order. In conjunction with Municipal Order No. 2008 - 19 previously discussed, DeFebbo reviewed the project and recommended the bid award for construction. City Engineer Jeff Lashlee indicated that the construction should take about 60 days. Mayor Walker asked for additional discussion, and with none, a roll call vote was taken.

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

Municipal Order No. 2008 - 23 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2008 - 24

MUNICIPAL ORDER APPROVING AND AUTHORIZING A  
MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF  
BOWLING GREEN, KENTUCKY TRANSPORTATION CABINET,  
BOWLING GREEN METROPOLITAN PLANNING ORGANIZATION  
AND WARREN COUNTY FISCAL COURT

Summary of Municipal Order No. 2008 - 24 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 reviewed the coordination between several parties to address problems at the Scottsville Road interchange with I-65. Mayor Walker asked for additional discussion, and with none, a roll call vote was taken.

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

Municipal Order No. 2008 - 24 was approved by unanimous vote.

ORDINANCE NO. BG2008 - 5

(First Reading)

ORDINANCE REZONING REAL ESTATE

ORDINANCE REZONING A TRACT OF LAND CONTAINING 0.89  
ACRE FROM AG (AGRICULTURE) TO HI (HEAVY INDUSTRY)  
LOCATED AT 1022 BOATLANDING ROAD, WITH BINDING  
ELEMENTS, PRESENTLY OWNED BY LEWIS LOGAN, D/B/A  
AFFORDABLE TOWING AND RECOVERY

Title and summary of Ordinance No. BG2008 - 5 was read by the Assistant City Manager/City Clerk. Motion was made by Wilkerson and seconded by Strow for first reading of said Ordinance. City-County Planning Commission Director Steve Hunter provided an overview of the recommended rezoning and associated binding elements. City Attorney Gene Harmon outlined the Board's options with making its own findings of fact and conclusions if it considered not approving the Planning Commission's recommendation.

Mr. Hunter responded to several questions regarding the surrounding properties, including the adjacent zoning districts, the differences between Light Industry and Heavy Industry designations, the proposed use of the property following rezoning, and the potential impact to residential neighbors. Mayor Walker asked for additional discussion, and with none, a roll call vote was taken.

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

First reading of Ordinance No. BG2008 - 5 was approved by majority vote.

CLOSED SESSION

Mr. DeFebbo requested a closed session pursuant to KRS 61.810 (b) for discussion on the future acquisition of real property by the City, but only when publicity would likely affect the value of the specific pieces of property to be acquired for public use. Motion was made by Strow and



seconded by Denning to convene in closed session pursuant to KRS 61.810 (b). Walker called for roll call vote.

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

Motion to convene in closed session pursuant to KRS 61.810 (b) was approved by unanimous vote. Following a brief recess to clear the Commission Chamber, the Board of Commissioners met in closed session at approximately 8:15 p.m.

**ADJOURNMENT**

Once all discussion concluded in closed session and there being no further business to come before the Board of Commissioners, at approximately 8:35 p.m., Mayor Walker declared this meeting adjourned.

**WORK SESSION**

Prior to the special 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 special work session to discuss the following subjects: 1) the sale of a non-exclusive Gas Franchise and alternative fee structures; and 2) an update about the Tax Increment Financing (TIF) Project proposed for downtown, including participation by the City in financing a portion of the costs.

ADOPTED: \_\_\_\_\_

APPROVED: \_\_\_\_\_  
                  Mayor, Chairman of Board of Commissioners

ATTEST: \_\_\_\_\_  
                  City Clerk

*Minutes prepared by Assistant City Manager/City Clerk Katie Schaller*