

**MINUTES of SPECIAL MEETING  
of the BOARD of COMMISSIONERS  
of the CITY of BOWLING GREEN, KENTUCKY  
held MARCH 8, 2007**

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 11:15 a.m. on March 8, 2007. Mayor Elaine N. Walker called the meeting to order. An invocation was given by Senior Pastor David Grant of the Christ United Methodist 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 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.

**WORK SESSION**

Police Chief Doug Hawkins presented recommended changes to the educational requirements for promotions through the ranks of the Police Department. He described the changes made in this year’s most recent hiring process with regard to opening the pool of applicants by once again allowing a minimum educational requirement of a high school diploma or equivalent. He reviewed the current educational requirements for promotional ranks and outlined the recommended changes as follows: for promotion to Sergeant or Captain—30 college credit hours; for promotion to Assistant Chief or Deputy Chief—Associates Degree or 60 college credit hours; and for promotion to Chief—Bachelor’s Degree.

Comptroller Wilma Brown reviewed the proposed Fiscal Year 2007 General Obligation bond issue in the principle amount of \$14,766,000, which included projects originally planned for Fiscal Year 2006 totaling \$7,000,000. She noted that the annual General Fund debt for this bond issue was estimated to be \$960,000 for 25 years. Ms. Brown outlined each of the projects to be included in this issue such as \$408,000 for Lovers Lane Utilities, \$500,000 for Parks Community Center Expansion, \$1,800,000 for SKyPAC land acquisition, \$4,000,000 for Circus Square, \$1,218,000 for a portion of the Downtown Signalization Project, \$330,000 for Southwest Parkway property acquisition, \$4,000,000 for Shive Lane Extension, \$1,100,000 for Broadway Curve straightening, \$560,000 for Fields Drive and \$850,000 for Skate Park.

**CITY MANAGER**

City Manager Kevin D. DeFebbo introduced recently appointed Purchasing Agent Jennifer Portmann, and thanked Internal Auditor Deborah Jenkins for handling two roles for the past several months.

**APPROVAL OF MINUTES**

Minutes of Regular Meeting February 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 Nash 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 February 20, 2007 was approved by unanimous vote.

CONSENT AGENDA

Commissioner Strow requested that item number 1 (Municipal Order No. 2007 - 79) be removed from the consent agenda for consideration at the end of the regular agenda. Mayor Walker asked if there were any other items to be removed from the Consent Agenda prior to its consideration; and with none, Assistant City Manager/City Clerk Katie Schaller read the summaries of each of the following items:

MUNICIPAL ORDER NO. 2007 - 80

MUNICIPAL ORDER APPROVING AND AUTHORIZING OUT-OF-TOWN TRAVEL EXPENSES FOR MAYOR ELAINE N. WALKER TO ATTEND A MEETING WITH SPEAKER JODY RICHARDS AND SYLVIA LOVELY IN FRANKFORT, KENTUCKY

MUNICIPAL ORDER NO. 2007 - 81

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

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

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

REGULAR AGENDA

MUNICIPAL ORDER NO. 2007 - 82

MUNICIPAL ORDER APPROVING THE PROBATIONARY APPOINTMENT OF JASON D. SPEARS TO THE POSITION OF IRRIGATION / SPRAY TECHNICIAN IN THE PARKS AND RECREATION DEPARTMENT, GOLF DIVISION

Summary of Municipal Order No. 2007 - 82 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: Denning, Nash, Strow, Wilkerson and Walker  
                  Voting Nay: None  
Municipal Order No. 2007 - 82 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2007 - 83

MUNICIPAL ORDER AUTHORIZING ADOPTION OF THE  
REVISED CITY OF BOWLING GREEN PUBLIC SAFETY  
PROMOTIONAL PROCEDURES

Summary of Municipal Order No. 2007 - 83 was read by the Assistant City Manager/City Clerk. DeFebbo indicated that this item was discussed during the work session at the beginning of the meeting. He noted that the recommended changes reflected an attempt to provide the ability to hire and promote Police personnel more consistently. Comm. Strow disagreed with making the changes. He stated he would support increasing the educational requirements for both Police and Fire versus lowering them. Motion was made by Nash 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: Denning, Nash, Wilkerson and Walker  
                  Voting Nay: Strow  
Municipal Order No. 2007 - 83 was approved by majority vote.

MUNICIPAL ORDER NO. 2007 - 84

MUNICIPAL ORDER AUTHORIZING AND ACCEPTING BID  
#2007-27 FOR BOWLING GREEN POLICE DEPARTMENT PATROL  
RIFLES, PHASE II FROM JERRY'S SPORT CENTER, INC. OF  
FOREST CITY, PENNSYLVANIA IN THE TOTAL AMOUNT OF  
\$55,983.06

Summary of Municipal Order No. 2007 - 84 was read by the Assistant City Manager/City Clerk. DeFebbo reviewed the recommended bid award. Police Chief Doug Hawkins responded to questions regarding the use of rifles versus shotguns. Motion was made by Nash 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: Denning, Nash, Strow, Wilkerson and Walker  
                  Voting Nay: None  
Municipal Order No. 2007 - 84 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2007 - 85

MUNICIPAL ORDER AUTHORIZING AND ACCEPTING BID  
#2007-40 FOR CHEMICALS AND FERTILIZERS FOR THE PARKS  
AND RECREATION DEPARTMENT, GOLF DIVISION FROM  
VARIOUS VENDORS IN THE TOTAL AMOUNT NOT TO EXCEED  
\$162,844.04

Summary of Municipal Order No. 2007 - 85 was read by the Assistant City Manager/City Clerk. DeFebbo reviewed the recommended bid award to lock in prices for the year. Motion was made by Nash 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: Denning, Nash, Strow, Wilkerson and Walker  
                          Voting Nay: None

Municipal Order No. 2007 - 85 was approved by unanimous vote.

**MUNICIPAL ORDER NO. 2007 - 86**

**MUNICIPAL ORDER AUTHORIZING AND ACCEPTING BID #2007-44 FOR CONCRETE FROM IRVING MATERIALS, INC. OF BOWLING GREEN, KENTUCKY IN THE TOTAL AMOUNT OF \$26,950**

Summary of Municipal Order No. 2007 - 86 was read by the Assistant City Manager/City Clerk. DeFebbo 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: Denning, Nash, Strow, Wilkerson and Walker  
                          Voting Nay: None

Municipal Order No. 2007 - 86 was approved by unanimous vote.

**MUNICIPAL ORDER NO. 2007 - 87**

**MUNICIPAL ORDER AUTHORIZING AND ACCEPTING BID #2007-51 FOR A 2007 FRONT END LOADER FROM RUDD EQUIPMENT COMPANY OF EVANSVILLE, INDIANA IN THE TOTAL AMOUNT OF \$42,346**

Summary of Municipal Order No. 2007 - 87 was read by the Assistant City Manager/City Clerk. DeFebbo reviewed the recommended bid award. Motion was made by Denning 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: Denning, Nash, Strow, Wilkerson and Walker  
                          Voting Nay: None

Municipal Order No. 2007 - 87 was approved by unanimous vote.

**MUNICIPAL ORDER NO. 2007 - 88**

**MUNICIPAL ORDER AUTHORIZING A CHANGE ORDER TO THE CONTRACTS WITH VARIOUS CONTRACTORS FOR THE CONSTRUCTION OF THE PARKS COMMUNITY CENTER EXPANSION IN THE AMOUNT OF \$300,181.69**

Summary of Municipal Order No. 2007 - 88 was read by the Assistant City Manager/City Clerk. DeFebbo recommended the change orders. Construction Manager David Butler from Alliance

Corporation responded to questions regarding the items included in the change order, previously bid items that were re-bid and improvements planned for the existing Parks Community Center facility. 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:   Denning, Nash, Strow, Wilkerson and Walker  
                          Voting Nay:   None

Municipal Order No. 2007 - 88 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2007 - 89

MUNICIPAL ORDER AUTHORIZING AND ORDERING CONDEMNATION OF A PORTION OF PROPERTY BELONGING TO MACKENZIE INVESTMENTS, LLC (OWNER) AND LIGHTHOUSE CAR WASH SYSTEMS (TENANT) LOCATED AT 2412 NASHVILLE ROAD ON BEHALF OF THE BOWLING GREEN MUNICIPAL UTILITIES BOARD FOR NECESSARY EASEMENTS FOR WATER AND SEWER FACILITIES DUE TO THE KENTUCKY DEPARTMENT OF TRANSPORTATION'S PLANNED WIDENING OF NASHVILLE ROAD

Summary of Municipal Order No. 2007 - 89 was read by the Assistant City Manager/City Clerk. DeFebbo explained that the City was the agent for condemnation by BGMU. City Attorney Gene Harmon reviewed the need for the condemnation as requested by BGMU and that BGMU would continue to negotiate with the two parties involved. BGMU Board Attorney Bud Strickler responded to questions regarding the need to condemn and the properties involved in the project. Motion was made by Nash 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:   Denning, Nash, Strow, Wilkerson and Walker  
                          Voting Nay:   None

Municipal Order No. 2007 - 89 was approved by unanimous vote.

ORDINANCE NO. BG2007 - 5

(First Reading)

ORDINANCE ANNEXING PROPERTY BY CONSENT

ORDINANCE ANNEXING 36.03 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. City Attorney Gene Harmon reviewed the interest expressed by the property owners to annex their property into the City limits. Comm. Wilkerson expressed concern with annexing Cemetery Road and a portion of Lovers Lane beyond the intersection with Mt. Victor Lane to Cemetery Road,

which was approximately 6.80 acres of right-of-way. BGMU Board Attorney Bud Strickler responded to the ability to annex a small tax exempt parcel owned by BGMU if the Board of Commissioners wanted to do such. Motion was made by Wilkerson and seconded by Strow to amend Ordinance No. BG2007 - 5 to remove 6.80 acres of right-of-way from the annexation. 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

Motion to amend Ordinance No. BG2007 - 5 to remove a portion of the right-of-way from the annexation was approved by unanimous vote.

ORDINANCE NO. BG2007 - 5  
(First 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

In response to a question regarding consultation of annexations with public safety departments, DeFebbo stated a protocol would be established. Motion was made by Wilkerson 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: Denning, Nash, Strow, Wilkerson and Walker  
Voting Nay: None

First reading of Ordinance No. BG2007 - 5 as amended was approved by unanimous vote.

BRIEF RECESS

There was a brief recess of the Board of Commissioners. Following which, the Board resumed consideration of its regular agenda items.

ORDINANCE NO. BG2007 - 6  
(First 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. DeFebbo stated it was a normal process to amend the budget throughout the year as necessary. Comptroller Wilma Brown responded to questions regarding the Police and Firefighter's Retirement Fund, the funds for the Broadway Straightening Project, the reasons for the recommended budget

amendments, the impact to fund balance, the affect of the bond issue and the cost to borrow now versus in the future.

Comm. Strow disagreed with including SKyPAC land acquisition in the bond issue and subsequently included in the budget amendment in the amount of \$1,800,000 if the City was not actually going to purchase the properties. Mayor Walker indicated that the approval of the budget amendment and bond issue for SKyPAC would only provide for a funding source should the City choose to purchase any additional properties. She stated that the City needed a commitment from SKyPAC that it was going to follow through with the project. Comm. Strow requested an amendment to the ordinance to remove the SKyPAC funding.

City Attorney Gene Harmon confirmed that if the City did not proceed with the SKyPAC land acquisition, then the bond proceeds could be used for other downtown projects. In addition, City Manager Kevin DeFebbo pointed out that there were three years to spend down the bond proceeds. Mayor Walker stated that if the Board approved the item as presented, it would signify the City's commitment to purchase the property. Comm. Denning agreed and included that there would be an opportunity to change the funding later if the project did not move forward. Comm. Nash indicated that he preferred to think positively about the project's success. Motion was made by Denning 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:   Denning, Nash, Wilkerson and Walker  
                          Voting Nay:   Strow

First reading of Ordinance No. BG2007 - 6 was approved by majority vote.

**ORDINANCE NO. BG2007 - 7**

(First Reading)

**ORDINANCE PROVIDING FOR THE ISSUANCE OF GENERAL OBLIGATION BONDS**

AN ORDINANCE OF THE CITY OF BOWLING GREEN, KENTUCKY PROVIDING FOR THE ISSUANCE OF THE CITY'S GENERAL OBLIGATION BONDS, SERIES 2007 IN THE AGGREGATE PRINCIPAL AMOUNT OF \$14,775,000 (SUBJECT TO A PERMITTED ADJUSTMENT INCREASING OR DECREASING THE SIZE OF SAID BONDS BY UP TO \$1,475,000) FOR THE PURPOSE OF FINANCING THE COSTS OF THE ACQUISITION, CONSTRUCTION AND INSTALLATION OF PUBLIC PROJECTS IN THE CITY OF BOWLING GREEN, KENTUCKY; APPROVING FORMS OF BONDS; AUTHORIZING DESIGNATED OFFICERS TO EXECUTE AND DELIVER THE BONDS; AUTHORIZING AND DIRECTING THE FILING OF NOTICE WITH THE STATE LOCAL DEBT OFFICER; PROVIDING FOR THE PAYMENT AND SECURITY OF THE BONDS; CREATING A BOND PAYMENT FUND AND A CONSTRUCTION FUND; AUTHORIZING ACCEPTANCE OF THE BID OF THE BOND PURCHASER FOR THE PURCHASE OF THE BONDS FOLLOWING THE ADVERTISED SALE OF THE BONDS; AND REPEALING INCONSISTENT ORDINANCES

Title and summary of Ordinance No. BG2007 - 7 was read by the Assistant City Manager/City Clerk. DeFebbo indicated that this item was discussed at the work session earlier in the meeting and confirmed the potential for flexibility with the bond proceeds. Comm. Strow reiterated that he did not support the \$1,800,000 included in the bond issue for SKyPAC if it would not specifically be used for that project. Comm. Denning pointed out that it was still the City's money and that borrowing today would be at a lower rate than down the road. Comm. Wilkerson agreed that Comm. Strow had a point regarding landowners not knowing when to expect the City to purchase their property. However, he stated that there should be separate action by the Board to address the actual property acquisition issue. Once all discussion ended, motion was made by Wilkerson 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: Denning, Nash, Wilkerson and Walker  
                          Voting Nay: Strow

First reading of Ordinance No. BG2007 - 7 was approved by majority vote.

ORDINANCE NO. BG2007 - 3  
(First 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. DeFebbo indicated that the recommended changes, including a reduction to 60 days for action by the owner of the property, would strengthen the code and would make the process more efficient and timely. Housing and Community Development Director Alice Burks responded to questions regarding the changes and the affect on any investigations. Motion was made by Nash 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: Denning, Nash, Strow, Wilkerson and Walker  
                          Voting Nay: None

First reading of Ordinance No. BG2007 - 3 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2007 - 79

MUNICIPAL ORDER APPROVING AND AUTHORIZING OUT-OF-  
TOWN TRAVEL EXPENSES FOR MAYOR ELAINE N. WALKER  
TO ATTEND THE U.S. CONFERENCE OF MAYORS 75<sup>TH</sup> WINTER  
MEETING IN WASHINGTON, D.C.

Summary of Municipal Order No. 2007 - 79 was read by the Assistant City Manager/City Clerk. Comm. Strow inquired as to the charge for transportation by train instead of airline and stated that the taxpayer (public funds) should only be responsible to pay for the least expensive route. He further provided a comparison of alternative and less expensive options available for travel.

Mayor Walker responded and commented about her personal time expended on behalf of the City, and subsequent savings to the City of \$2,700 last year. She also pointed out that the City had previously paid the registration for Comm. Strow to attend the Kentucky League of Cities (KLC) Public Officials Academy and that he did not attend.

Comm. Strow clarified that his inquiry was not meant to be a personal issue, but a general travel concern. He also explained that he had a scheduling conflict and was unable to attend the KLC training. Once all discussion ended, motion was made by Denning 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: Denning, Wilkerson and Walker  
                          Voting Nay: Nash and Strow  
Municipal Order No. 2007 - 79 was approved by majority vote.

**CLOSED SESSION**

Assistant City Manager/City Clerk read the purpose of a closed session for 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 Nash and seconded by Strow 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: Denning, Nash, Strow, Wilkerson and Walker  
                          Voting Nay: None

Motion to convene in closed session pursuant to KRS 61.810 (b) and (c) was approved by unanimous vote. Following a brief recess to clear the Commission Chamber, the Board of Commissioners met in closed session. Mayor Pro Tem Wilkerson presided as Mayor Walker had to leave.

**ADJOURNMENT**

Once all discussion concluded in closed session and there being no further business to come before the Board of Commissioners, at approximately 2:10 p.m., Mayor Pro Tem Wilkerson declared this meeting adjourned.

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

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

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