

**MINUTES of SPECIAL MEETING  
of the BOARD of COMMISSIONERS  
of the CITY of BOWLING GREEN, KENTUCKY  
held JULY 6, 2006**

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 July 6, 2006. Mayor Elaine N. Walker called the meeting to order. An invocation was given by Rev. Carlton Hatcher of Cumberland Presbyterian Church, and all present recited the Pledge of Allegiance. In the absence of the City Clerk, City Attorney Gene Harmon called the roll, and the following members were present: Commissioner Brian "Slim" Nash, Commissioner Delane Simpson, Commissioner Brian K. Strow, Commissioner Mark D. Alcott and Mayor Elaine N. Walker. Absent: none. There was a full quorum of the Board of Commissioners.

**PUBLIC COMMENTS**

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

**CITY MANAGER**

City Manager Kevin D. DeFebbo requested a closed session for the purpose of discussion of proposed and pending litigation on behalf of and against the City. Motion was made by Simpson and seconded by Nash to convene in closed session following the regular meeting pursuant to KRS 61.810 (c). Walker called for roll call vote.

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

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

**APPROVAL OF MINUTES**

Minutes of Regular Meeting June 20, 2006 and Special Meeting June 26, 2006

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

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

Motion to approve the minutes of the regular meeting of June 20, 2006 and special meeting of June 26, 2006 was approved by unanimous vote.

**MUNICIPAL ORDER NO. 2006 - 142**

**MUNICIPAL ORDER AUTHORIZING AN AGREEMENT  
BETWEEN THE CITY OF BOWLING GREEN AND BOWLING  
GREEN HUMAN RIGHTS COMMISSION, INC. FOR THE  
PROVISION OF FAIR HOUSING EDUCATION SERVICES**

Summary of Municipal Order No. 2006 - 142 was read by the City Attorney. DeFebbo indicated that fair housing should be available for all people and that the use of Community Development Block Grant (CDBG) funds will continue the fair housing educational program by the Human Rights Commission. 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: Nash, Simpson, Strow, Alcott and Walker  
                          Voting Nay: None

Municipal Order No. 2006 - 142 was approved by unanimous vote.

**MUNICIPAL ORDER NO. 2006 - 143**

**MUNICIPAL ORDER AUTHORIZING AN AGREEMENT  
BETWEEN THE CITY OF BOWLING GREEN AND LIVE THE  
DREAM, INC. FOR A RENTAL CONVERSION PROGRAM**

Summary of Municipal Order No. 2006 - 143 was read by the City Attorney. DeFebbo indicated that there was a disproportionate number of rental units to homeownership. He reviewed the agreement and use of Community Development Block Grant (CDBG) funds to assist with increasing homeownership. 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: Nash, Simpson, Strow, Alcott and Walker  
                          Voting Nay: None

Municipal Order No. 2006 - 143 was approved by unanimous vote.

**MUNICIPAL ORDER NO. 2006 - 144**

**MUNICIPAL ORDER AUTHORIZING AN AGREEMENT  
BETWEEN THE CITY OF BOWLING GREEN AND THE HOUSING  
AUTHORITY OF BOWLING GREEN FOR A SMALL BUSINESS  
TRAINING AND TECHNICAL ASSISTANCE PROGRAM**

Summary of Municipal Order No. 2006 - 144 was read by the City Attorney. Mayor Walker stated she was pleased to have a program that addresses business development through Community Development Block Grant (CDBG) funding. DeFebbo reviewed the program to create jobs and investment in the Enterprise Community area. In response to a question from Comm. Nash, Director of Small Business Development for Bowling Green Rick Horn confirmed that this program would be open to the general public. Motion was made by Nash 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: Nash, Simpson, Strow, Alcott and Walker  
                          Voting Nay: None

Municipal Order No. 2006 - 144 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2006 - 145

MUNICIPAL ORDER AUTHORIZING MAINTENANCE SERVICES  
FOR RADIO AND COMMUNICATION EQUIPMENT WITH  
MOTOROLA, INC. IN AN AMOUNT NOT TO EXCEED \$37,000  
FOR FISCAL YEAR 2007

Summary of Municipal Order No. 2006 - 145 was read by the City Attorney. DeFebbo indicated this was an annual agreement to maintain the two radio systems. Motion was made by Alcott 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: Nash, Simpson, Strow, Alcott and Walker  
                          Voting Nay: None

Municipal Order No. 2006 - 145 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2006 - 146

MUNICIPAL ORDER APPROVING RECOMMENDATION FROM  
THE BOWLING GREEN AREA CONVENTION AND VISITORS  
BUREAU TO DISTRIBUTE \$26,664.90 OF TRANSIENT ROOM  
TAXES TO THE BOWLING GREEN COUNTRY CLUB

Summary of Municipal Order No. 2006 - 146 was read by the City Attorney. DeFebbo reviewed the use of transient room special funds available for tourism related activities. Bowling Green Area Convention and Visitors Bureau (CVB) Executive Director Vicki Fitch responded to questions regarding the use of the scoreboard by country club members and for tournament play, the potential to draw and keep tournaments in the area, the use of public funds for other private program projects, the placement of the CVB logo on the scoreboard and related signs, and the difference in the Country Club's requested amount to the recommended amount.

Comm. Strow stated he was uncomfortable with using public funds on private golf courses that restrict entry and are not open to the public year round. Comm. Alcott indicated his support and that he was comfortable with the tourism board's recommendation which was already approved by Warren County Fiscal Court. Comm. Simpson also expressed his support. Comm. Nash pointed out that the Country Club was contributing for other improvements and would be responsible for the maintenance of the scoreboard and signage.

The Country Club Golf Professional Jeff McGill responded to questions regarding sponsorships on the scoreboard and permanent and temporary signage.

Mayor Walker referred to a memorandum from City Attorney Gene Harmon regarding the appropriate unitization of the transient room taxes for public and private projects. She stated that this was truly a public/private partnership to benefit the community.

Once all discussion ended, 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: Nash, Simpson, Alcott and Walker  
                  Voting Nay: Strow  
Municipal Order No. 2006 - 146 was approved by majority vote.

MUNICIPAL ORDER NO. 2006 - 147

MUNICIPAL ORDER AUTHORIZING ACCEPTANCE OF GRANT FUNDS FROM THE COMMONWEALTH OF KENTUCKY JUSTICE AND PUBLIC SAFETY CABINET FOR LAW ENFORCEMENT SERVICE FEE GRANT (TAP) PROGRAM IN THE AMOUNT OF \$6,250

Summary of Municipal Order No. 2006 - 147 was read by the City Attorney. DeFebbo reviewed the grant and use of funds to assist with overtime and mileage reimbursements. Motion was made by Alcott 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: Nash, Simpson, Strow, Alcott and Walker  
                  Voting Nay: None  
Municipal Order No. 2006 - 147 was approved by unanimous vote.

ORDINANCE NO. BG2006 - 25

(First Reading)

ORDINANCE AMENDING CODE OF ORDINANCES

ORDINANCE AMENDING CHAPTER 6 (BUILDING REGULATIONS), SUBCHAPTER 6-12 (CONTRACTOR LICENSING) AND CHAPTER 27 (PROPERTY CODE), SUBCHAPTER 27-8 (PENALTIES) OF THE CODE OF ORDINANCES, RELATED TO AMENDMENTS TO CONTRACTOR LICENSING REQUIREMENTS

Title and summary of Ordinance No. BG2006 - 25 was read by the City Attorney. DeFebbo indicated the proposed changes were in collaboration with the County and Contractors Licensing Board and that the most significant revisions included the addition of civil penalties. Comm. Alcott stated he endorsed these revisions which provide more teeth for enforcement of non-compliance. Comm. Simpson also stated his support of the revisions which have already been approved by Warren County Fiscal Court. Comm. Strow agreed to stiffer penalties, but expressed concern with including fraudulent conduct as a civil penalty. Comm. Nash pointed out the difficulty with taking issues to the District Court level and the need to be able to enforce the ordinances of the City in a more effective manner.

In response to Comm. Strow, Contractors Licensing Director Bob Appling indicated that issues could still be taken through the court system, but that these revisions streamlined the process by providing the ability to cite violations for immediate resolution. He also confirmed that Contractors Licensing would represent issues brought before the Code Enforcement Board. Contractors Licensing Attorney Scott Bachert commented about the ability to more effectively remedy those issues to comply with the ordinance.

Once all discussion ended, 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: Nash, Simpson, Strow, Alcott and Walker  
                          Voting Nay: None

First reading of Ordinance No. BG2006 - 25 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2006 - 148

MUNICIPAL ORDER AUTHORIZING AND ACCEPTING BID #2006-55 FOR PROFESSIONAL PLAN REVIEW SERVICES FROM SOUTHERN KENTUCKY INSPECTION AGENCY, INC. OF GLASGOW, KENTUCKY IN AN AMOUNT NOT TO EXCEED \$58,000

Summary of Municipal Order No. 2006 - 148 was read by the City Attorney. DeFebbo reviewed the need for contracted labor to assist with plan reviews. Motion was made by Nash 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: Nash, Simpson, Strow, Alcott and Walker  
                          Voting Nay: None

Municipal Order No. 2006 - 148 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2006 - 149

MUNICIPAL ORDER AUTHORIZING AND ACCEPTING BID #2006-61 FOR DEMOLITION OF STRUCTURES AND SITE CLEARANCE SERVICES FROM FOUR-C EXCAVATION OF MORGANTOWN, KENTUCKY IN AN AMOUNT NOT TO EXCEED \$150,000

Summary of Municipal Order No. 2006 - 149 was read by the City Attorney. DeFebbo reviewed the need for demolition services and a change to this year's bid specifications regarding liquidating damages. 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: Nash, Simpson, Strow, Alcott and Walker  
                          Voting Nay: None

Municipal Order No. 2006 - 149 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2006 - 150

MUNICIPAL ORDER AUTHORIZING AND ACCEPTING BID #2006-62 FOR ASBESTOS INSPECTION AND TESTING SERVICES FROM MICRO-ANALYTICS, INC. OF LOUISVILLE, KENTUCKY IN THE ESTIMATED AMOUNT OF \$50,000

Summary of Municipal Order No. 2006 - 150 was read by the City Attorney. DeFebbo reviewed the need for services that are required by law to not add to contamination of the environment. 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: Nash, Simpson, Strow, Alcott and Walker  
                          Voting Nay: None

Municipal Order No. 2006 - 150 was approved by unanimous vote.

**MUNICIPAL ORDER NO. 2006 - 151**

**MUNICIPAL ORDER AUTHORIZING A PROFESSIONAL SERVICES CONTRACT WITH STOLL KEENON & OGDEN, PLLC AS BOND COUNSEL FOR REFINANCING OF THE 2002 GENERAL OBLIGATION BOND SERIES B & C RELATING TO THE WKU DIDDLE ARENA RENOVATION PROJECT IN THE AMOUNT NOT TO EXCEED \$60,800**

Summary of Municipal Order No. 2006 - 151 was read by the City Attorney. DeFebbo noted that this issue was discussed at the work session earlier in the day. He reviewed the recommendation, in concurrence with Western Kentucky University, to obtain services for the refinancing from the same bond counsel that was involved with the 2002 issue of the bonds.

Comm. Nash requested consensus from the Board regarding whether the City should negotiate for a lower fee based on the other bids received. City Attorney Gene Harmon confirmed that because this was a professional services contract, the City has the ability to negotiate for a lower price. Chief Financial Officer Jeff Meisel pointed out that the costs associated with the refinancing of the bonds would be paid out of the issuance. Mr. Harmon also commented about past services received from this firm at no cost to the City. Following further discussion, there was consensus from all members to seek a reduction in fees for professional services.

Once all discussion ended, 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: Nash, Simpson, Strow, Alcott and Walker  
                          Voting Nay: None

Municipal Order No. 2006 - 151 was approved by unanimous vote.

**MUNICIPAL ORDER NO. 2006 - 152**

**MUNICIPAL ORDER AUTHORIZING A PROFESSIONAL SERVICES CONTRACT WITH HILLIARD LYONS AS FINANCIAL ADVISOR FOR REFINANCING OF THE 2002 GENERAL OBLIGATION BOND SERIES B & C RELATING TO THE WKU DIDDLE ARENA RENOVATION PROJECT IN AN AMOUNT NOT TO EXCEED \$25,000**

Summary of Municipal Order No. 2006 - 152 was read by the City Attorney. DeFebbo stated that the same facts applied to this item for procurement of a fiscal advisor as with the previous item related to the bond refinancing. 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: Nash, Simpson, Strow, Alcott and Walker  
                          Voting Nay: None

Municipal Order No. 2006 - 152 was approved by unanimous vote.

#### MUNICIPAL ORDER NO. 2006 - 153

#### MUNICIPAL ORDER AUTHORIZING THE ACCEPTANCE OF A GRANT FROM THE KENTUCKY URBAN AND COMMUNITY FORESTRY GRANT PROGRAM IN THE AMOUNT OF \$1,550

Summary of Municipal Order No. 2006 - 153 was read by the City Attorney. DeFebbo reviewed the use of grant funds to update and reprint the tree brochure. Forester/Arborist Jared Weaver confirmed that the funds would be carried over in the Fiscal Year 2007 budget. 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: Nash, Simpson, Strow, Alcott and Walker  
                          Voting Nay: None

Municipal Order No. 2006 - 153 was approved by unanimous vote.

#### CLOSED SESSION

Following a brief recess to clear the Chamber, the Board of Commissioners met in closed session pursuant to KRS 61.810 (c) 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 8:45 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) 2002 General Obligation Bond refinancing for Western Kentucky University Diddle Arena; and 2) presentation by Downtown Redevelopment Authority regarding a downtown entrance corridor at Broadway and High Streets.

*(Minutes-Board of Commissioners-July 6, 2006)*

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

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

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

*Minutes prepared by City Clerk Katie Schaller*