

**MINUTES of SPECIAL MEETING
of the BOARD of COMMISSIONERS
of the CITY of BOWLING GREEN, KENTUCKY
held NOVEMBER 8, 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 November 8, 2006. 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 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.

RECOGNITIONS

Mayor Walker requested a moment of silence for Master Police Officer David Whitson who was killed in the line of duty on October 31, 2006. She also expressed appreciation for the service that Commissioner Delane Simpson provided to the City over the past two years, and congratulated Commissioners Brian "Slim" Nash and Brian K. Strow who were each reelected to serve a second term in office.

CITY MANAGER

City Manager Kevin D. DeFebbo requested a closed session for the purpose of discussion on the future acquisition 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, and for discussion which might lead to the appointment of an individual employee. Motion was made by Alcott and seconded by Nash to convene in closed session at the end of the meeting pursuant to KRS 61.810 (b) and (f). 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 (f) was approved by unanimous vote. It was noted that action may follow the discussion.

APPROVAL OF MINUTES

Minutes of Regular Meeting October 17, 2006 and Special Meeting October 27, 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 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 October 17, 2006 and special meeting of October 27, 2006 was approved by unanimous vote.

CHANGE ORDER OF AGENDA

Comm. Simpson made a motion, seconded by Alcott, to change the order of the agenda to consider item numbers 12, 14, 16, 27, 28 and 29 (Municipal Order Nos. 2006 - 257, 2006 - 259, 2006 - 261, 2006 - 270, 2006 - 271 and 2006 - 272) related to board and personnel appointments 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 Nos. 2006 - 257, 2006 - 259, 2006 - 261, 2006 - 270, 2006 - 271 and 2006 - 272 at this time was approved by unanimous vote.

MUNICIPAL ORDER NO. 2006 - 257

MUNICIPAL ORDER APPROVING THE PROBATIONARY APPOINTMENT OF JEFFREY ALAN WOOSLEY TO THE POSITION OF FIREFIGHTER IN THE FIRE DEPARTMENT

Summary of Municipal Order No. 2006 - 257 was read by the Assistant City Manager/City Clerk. DeFebbo reviewed the recommended appointment. Interim Fire Chief Walter Jordan introduced the applicant. 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 - 257 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2006 - 259

MUNICIPAL ORDER APPROVING THE PROBATIONARY APPOINTMENT OF ANITA C. DAVIS TO THE POSITION OF OFFICE ASSOCIATE IN THE HOUSING AND COMMUNITY DEVELOPMENT DEPARTMENT

Summary of Municipal Order No. 2006 - 259 was read by the Assistant City Manager/City Clerk. DeFebbo reviewed the recommended appointment. 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: Strow, Alcott, Nash, Simpson and Walker
 Voting Nay: None

Municipal Order No. 2006 - 259 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2006 - 261

MUNICIPAL ORDER APPROVING THE PROBATIONARY APPOINTMENT OF CHELSY NICOLE WOODWARD TO THE

POSITION OF COMMUNICATIONS DISPATCHER IN THE POLICE DEPARTMENT

Summary of Municipal Order No. 2006 - 261 was read by the Assistant City Manager/City Clerk. DeFebbo reviewed the recommended 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 - 261 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2006 - 270

MUNICIPAL ORDER APPROVING THE APPOINTMENT OF EDWARD T. MARTIN TO THE GREENWAYS COMMISSION OF BOWLING GREEN AND WARREN COUNTY

Summary of Municipal Order No. 2006 - 270 was read by the Assistant City Manager/City Clerk. Mayor Walker recommended the appointment and thanked J. Craig Dowell for his contributions and service to the Greenways Commission. Motion was made by Alcott 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 - 270 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2006 - 271

MUNICIPAL ORDER APPROVING THE APPOINTMENT OF JAMES A. KAELIN TO THE CITY-COUNTY BOARD OF ADJUSTMENTS

Summary of Municipal Order No. 2006 - 271 was read by the Assistant City Manager/City Clerk. Mayor Walker recommended the appointment. Motion was made by Alcott 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 - 271 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2006 - 272

MUNICIPAL ORDER APPROVING THE PROMOTIONS OF JOSEPH RANDALL MANNING AND JOHN EDWARD STEWART TO THE POSITION OF DEPUTY POLICE CHIEF; LAWRENCE CLARK ARNOLD AND MARIECA HARRIS BROWN TO THE POSITION OF ASSISTANT POLICE CHIEF; BRETT HIGHTOWER AND JAMES

DWAYNE HYDE TO THE POSITION OF CAPTAIN; AND CURTIS
JOE CLARK AND SHAWN EDWIN HELBIG TO THE POSITION OF
SERGEANT IN THE POLICE DEPARTMENT

Summary of Municipal Order No. 2006 - 272 was read by the Assistant City Manager/City Clerk. DeFebbo stated that with the retirement of Police Chief Bill Waltrip and appointment of a new chief, several other positions needed to be filled. Police Chief Doug Hawkins reviewed each of the recommended personnel and qualifications for promotion. 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 - 272 was approved by unanimous vote.

RESUME REGULAR ORDER OF AGENDA

ORDINANCE NO. BG2006 - 36

(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 FOR THE BOARD OF
COMMISSIONERS

Title and summary of Ordinance No. BG2006 - 36 was read by the Assistant City Manager/City Clerk. Motion was made by Alcott 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, Alcott, Nash, Simpson and Walker

Voting Nay: None

Ordinance No. BG2006 - 36 as amended was adopted by unanimous vote.

ORDINANCE NO. BG2006 - 37

(Second Reading)

ORDINANCE EXPRESSING THE CITY'S INTENT TO PROCEED WITH A SPECIAL
ASSESSMENT

ORDINANCE EXPRESSING THE CITY'S INTENT TO PROCEED
WITH A SPECIAL ASSESSMENT FOR THE REMOVAL OF
OVERHEAD UTILITIES AND THE INSTALLATION OF
UNDERGROUND UTILITIES ON LOVERS LANE FROM THE
INTERSECTION OF SCOTTSVILLE ROAD TO MIDDLEBRIDGE
ROAD

Title and summary of Ordinance No. BG2006 - 37 was read by the Assistant City Manager/City Clerk. Motion was made by Nash and seconded by Simpson for second reading of said

Ordinance. City Attorney Gene Harmon stated that he had received a letter from Gary Slaughter, of S & B Investors, Inc. regarding property at 973 Lovers Lane, who expressed concern with the special assessment. All of the Board members indicated that they had also received the same letter.

Noy Oulay, owner of Lovers Lane Apartments at 1106 Lovers Lane, stated that he did not think the assessment was fair since he would have to pay more than any of the other property owners.

Attorney Linda Thomas, representing several of the property owners along Lovers Lane, stated that she had knowledge of three people who objected to the assessment, Mr. Slaughter, Mr. Oulay and Richard Booth, owner of S & R Tire at 1101 Lovers Lane. She also stated that she had met with each of them to discuss the issue and to provide all the documentation regarding the assessment, and to date had not heard back from the three individuals. She requested approval of the special assessment and stated that she appreciated the City's willingness to shoulder a portion of the costs. With no further discussion, a roll call vote was taken.

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

Voting Nay: None

Ordinance No. BG2006 - 37 was adopted by unanimous vote.

ORDINANCE NO. BG2006 - 38

(Second Reading)

ORDINANCE REZONING REAL ESTATE

ORDINANCE REZONING A TRACT OF LAND CONTAINING 2,841.1 SQUARE FEET FROM RM-4 (MULTI-FAMILY RESIDENTIAL) TO CB (CENTRAL BUSINESS) LOCATED AT 1048 ELM STREET, WITH BINDING ELEMENTS, PRESENTLY OWNED BY DENNIS RAY AND KAREN H. TOWE

Title and summary of Ordinance No. BG2006 - 38 was read by the Assistant City Manager/City Clerk. Motion was made by Alcott 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 - 38 was adopted by unanimous vote.

ORDINANCE NO. BG2006 - 39

(Second Reading)

ORDINANCE CLOSING A PUBLIC RIGHT-OF-WAY

ORDINANCE APPROVING THE CLOSING OF A PORTION OF RIGHT-OF-WAY OF BAKERSFIELD WAY

Title and summary of Ordinance No. BG2006 - 39 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 - 39 was adopted by unanimous vote.

ORDINANCE NO. BG2006 - 40
(Second Reading)
ORDINANCE RELATING TO BUDGET AMENDMENT

ORDINANCE APPROVING AMENDMENT NUMBER ONE TO THE
CITY OF BOWLING GREEN, KENTUCKY ANNUAL OPERATING
BUDGET FOR FISCAL YEAR 2007

Title and summary of Ordinance No. BG2006 - 40 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 - 40 was adopted by unanimous vote.

RESOLUTION NO. 2006 - 7

RESOLUTION ENDORSING THE U.S. MAYORS CLIMATE
PROTECTION AGREEMENT

Summary of Resolution No. 2006 - 7 was read by the Assistant City Manager/City Clerk. Mayor Walker provided background about the U.S. Mayors Climate Protection Agreement and indicated that over 300 Mayors and cities have moved to support the agreement to take steps to protect the environment. She cited examples of what other cities and businesses have done to impact energy efficiencies and stated that local residents have formed an initiative called "Go Green Bowling Green."

There was discussion about the potential impact of approving this agreement and how it might affect the City's budget, future purchase considerations and staff responsibilities. Comm. Alcott expressed concern with the language of the resolution and in the agreement that appeared to make such a policy a requirement versus a consideration. Comm. Strow expressed similar concerns with the language and indicated that a more general statement seemed appropriate. Mayor Walker pointed out that the approval of the resolution would set a target for the City to work toward, but did not specifically mandate changes.

Casey Henry spoke in support of the resolution and stated that the City could not afford to not do this as it will cost much more in the future. Gary Burke of the Sierra Club also spoke in support of the resolution, stating that there was an obligation to try to make things better. Nancy Gibbons, an organizer of "Go Green Bowling Green," stated it was a necessary and proactive thing to do and she encouraged the Board to investigate what other cities and countries have done to protect the future of the environment. Forrest Halford agreed that the resolution means the community becomes more aware of its actions and their costs, and to strive to meet and achieve change.

Gary Bridges, of Cumberland Ridge subdivision, spoke in opposition to the resolution, stating it was almost like approving a blank check with no way to know what the costs will be in the future. He urged the Board not to approve the resolution.

Mayor Walker commented about the appeal of the program. She noted that it could be used as something to consider when making purchases and indicate a commitment to make a difference. Comm. Strow referred to specific benchmarks included in the agreement and stated that those benchmarks may not fit Bowling Green. He suggested that this issue would be best addressed at the state and/or federal level versus the local level.

Comm. Alcott made a motion, seconded by Strow, to amend Resolution No. 2006 - 7 to change the words "endorsing" in the title and "endorses" in paragraph 1. on page 4, and to change the phrase "strive to meet or exceed" in paragraph C. on page 3 to "review and consider." Comm. Nash stated he interpreted the agreement to mean the City of Bowling Green was lending its support to the U.S. Conference of Mayors. However, he stated that doing something was better than nothing and was in support of the amendments. Upon clarification of the recommended changes, a roll call vote was taken.

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

Motion to amend Resolution No. 2006 - 7 was approved by majority vote.

RESOLUTION NO. 2006 - 7

As Amended

RESOLUTION ~~ENDORSED~~ TO REVIEW AND CONSIDER THE
U.S. MAYORS CLIMATE PROTECTION AGREEMENT

Once all discussion concluded, motion was made by Alcott and seconded by Strow for consideration of said Resolution 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

Resolution No. 2006 - 7 as amended was approved by unanimous vote.

MUNICIPAL ORDER NO. 2006 - 248

MUNICIPAL ORDER APPROVING AND AUTHORIZING THE
MAYOR TO EXECUTE AN AUTHORIZED FLEET WARRANTY
SERVICE STATION AGREEMENT THROUGH GENERAL
MOTORS CORPORATION FOR GM IN-HOUSE WARRANTY
REPAIRS BY THE PUBLIC WORKS DEPARTMENT, FLEET
MANAGEMENT DIVISION

Summary of Municipal Order No. 2006 - 248 was read by the Assistant City Manager/City Clerk. DeFebbo indicated that the City had an opportunity to make its Fleet Maintenance Division a warranty shop for General Motors. In response to a question from Comm. Alcott, Mr. DeFebbo noted that this agreement had similar parameters as the in-house warranty agreement with Ford Motor

Company. 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 - 248 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2006 – 254

MUNICIPAL ORDER AUTHORIZING AND ACCEPTING BID #2007-20 FOR THE PURCHASE OF TELESCOPIC BLEACHERS FROM TOADVINE ENTERPRISES OF FISHERVILLE, KENTUCKY FOR THE CARR GYMNASIUM IN THE AMOUNT OF \$49,658

Summary of Municipal Order No. 2006 - 254 was read by the Assistant City Manager/City Clerk. DeFebbo reviewed and recommended the bid award. Parks and Recreation Department Director Ernie Gouvas stated that these bleachers would enable the City to meet building code regulations and ADA requirements as well as maintenance needs. Motion was made by Aclott 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 - 254 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2006 – 255

MUNICIPAL ORDER AUTHORIZING ADOPTION OF THE OPERATION AND MAINTENANCE TECHNICIAN (O&MT) JOB MANUAL FOR OPERATIONS DIVISION, PUBLIC WORKS DEPARTMENT

Summary of Municipal Order No. 2006 - 255 was read by the Assistant City Manager/City Clerk. DeFebbo indicated that this Job Manual was previously presented at the October 3, 2006 work session and urged its approval. Motion was made by Strow 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 - 255 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2006 – 256

MUNICIPAL ORDER AUTHORIZING AND ACCEPTING BID #2007-21 FOR A CONTRACT WITH REYNOLDS SEALING AND STRIPING OF BOWLING GREEN, KENTUCKY TO RESURFACE OUTDOOR COURTS AT FOUR LOCATIONS FOR THE PARKS AND RECREATION DEPARTMENT IN THE AMOUNT OF \$59,770.90

Summary of Municipal Order No. 2006 - 256 was read by the Assistant City Manager/City Clerk. DeFebbo reviewed the recommended bid award. Parks and Recreation Director Ernie Gouvas indicated that 18 courts at four of the City parks would be resurfaced. 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 - 256 was approved by unanimous vote.

NOTE: Municipal Order No. 2006 - 257 was previously approved.

MUNICIPAL ORDER NO. 2006 - 258

**MUNICIPAL ORDER AUTHORIZING THE MAYOR TO EXECUTE
A MEMORANDUM OF AGREEMENT WITH KENTUCKY
HOUSING CORPORATION RELATED TO THE SECTION 8
HOMEOWNERSHIP PROGRAM**

Summary of Municipal Order No. 2006 - 258 was read by the Assistant City Manager/City Clerk. DeFebbo indicated that traditionally information has been filtered through the Housing Authority and this agreement would allow the City to participate directly with Kentucky Housing Corporation. Motion was made by Strow 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 - 258 was approved by unanimous vote.

NOTE: Municipal Order No. 2006 - 259 was previously approved.

MUNICIPAL ORDER NO. 2006 - 260

**MUNICIPAL ORDER AUTHORIZING AND ACCEPTING BID
#2007-15 FOR THE PURCHASE OF HEAVY EQUIPMENT FROM
H.H. HOOPER MACHINERY OF GOODLETTSVILLE,
TENNESSEE, WHAYNE SUPPLY OF BOWLING GREEN,
KENTUCKY AND PETERSON KENWORTH OF BOWLING
GREEN, KENTUCKY FOR THE OPERATIONS DIVISION, PUBLIC
WORKS DEPARTMENT IN THE TOTAL AMOUNT OF \$431,330**

Summary of Municipal Order No. 2006 - 260 was read by the Assistant City Manager/City Clerk. DeFebbo reviewed the recommended bid awards. Operations Division Manager Bobby Phelps responded to questions regarding the difference between the two bids received for the street sweeper. 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 - 260 was approved by unanimous vote.

NOTE: Municipal Order No. 2006 – 261 was previously approved.

MUNICIPAL ORDER NO. 2006 – 262

MUNICIPAL ORDER APPROVING THE DEPOT OPERATIONS AND MANAGEMENT AGREEMENT WITH THE FRIENDS OF L&N DEPOT, INC. AND APPROVING AN AGREEMENT OF CANCELLATION REGARDING THE EXISTING AGREEMENT WITH OPERATION P.R.I.D.E., INC.

Summary of Municipal Order No. 2006 - 262 was read by the Assistant City Manager/City Clerk. City Attorney Gene Harmon reviewed the process undertaken by the City-County Depot Committee and established City-County Depot Subcommittee regarding the request for proposals to manage and operate The Historic L&N Depot. He stated that the Committee had already approved the new management agreement and subsequent cancellation of the existing agreement. He also noted that the City and the County would be expected to equally share in the cost for a one-time grant to start up a proposed museum and to assist with operating expenditures for the first few years. Mr. Harmon responded to questions regarding The Historic L&N Depot Task Force’s recommendation to transfer property ownership to the City and County and the requirements of the preservation easement. Mayor Walker remarked of Operation P.R.I.D.E.’s continued service to the community. 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: Strow, Alcott, Nash, Simpson and Walker
 Voting Nay: None
 Municipal Order No. 2006 - 262 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2006 – 263

MUNICIPAL ORDER ACCEPTING AND AUTHORIZING THE MAYOR TO EXECUTE A GRANT AGREEMENT ON BEHALF OF THE CITY OF BOWLING GREEN WITH THE KENTUCKY JUSTICE AND PUBLIC SAFETY CABINET FOR FEDERAL VICTIMS OF CRIME ACT (VOCA) FUNDS FOR THE PARTIAL FUNDING OF A VICTIM ADVOCATE POSITION FOR THE POLICE DEPARTMENT INVESTIGATIONS UNIT IN THE AMOUNT OF \$31,000

Summary of Municipal Order No. 2006 - 263 was read by the Assistant City Manager/City Clerk. DeFebbo indicated this was the fifteenth year for this grant and recommended its approval. Motion was made by Strow 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 - 263 was approved by unanimous vote.

ORDINANCE NO. BG2006 - 41

(First Reading)

ORDINANCE AMENDING CODE OF ORDINANCES

**ORDINANCE AMENDING CHAPTER 2 (ADMINISTRATION) OF
THE CITY OF BOWLING GREEN CODE OF ORDINANCES FOR
THE PURPOSE OF ESTABLISHING THE CITY OF BOWLING
GREEN AUDIT COMMITTEE**

Title and summary of Ordinance No. BG2006 - 41 was read by the Assistant City Manager/City Clerk. DeFebbo described the various steps taken to date to protect the City against any further theft and the recommendation to create an Audit Committee to assist in that endeavor. He noted that this recommendation was previously discussed at the October 17, 2006 work session. Motion was made by Alcott and seconded by Nash 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 - 41 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2006 - 264

**MUNICIPAL ORDER AUTHORIZING THE TRANSFER OF A 2006
GENERAL ASSEMBLY COMMUNITY DEVELOPMENT LINE-
ITEM GRANT IN THE AMOUNT OF \$80,000 TO THE BOWLING
GREEN CHAMBER ORCHESTRA FOR THE BOWLING GREEN
CHAMBER ORCHESTRA PROJECT**

Summary of Municipal Order No. 2006 - 264 was read by the Assistant City Manager/City Clerk. With regard to this item and the next, Mr. DeFebbo explained that the state provided funding for local projects with funds traditionally flowing through the City. However, new regulations allow the City to transfer responsibility directly to the entity involved. Motion was made by Alcott 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 - 264 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2006 - 265

**MUNICIPAL ORDER AUTHORIZING THE TRANSFER OF A 2006
GENERAL ASSEMBLY COMMUNITY DEVELOPMENT LINE-
ITEM GRANT IN THE AMOUNT OF \$75,000 TO THE FRIENDS OF
L&N DEPOT, INC. FOR THE HISTORIC RAIL PARK PROJECT**

Summary of Municipal Order No. 2006 - 265 was read by the Assistant City Manager/City Clerk. This item was discussed with Municipal Order No. 2006 - 264. 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, Alcott, Nash, Simpson and Walker
 Voting Nay: None

Municipal Order No. 2006 - 265 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2006 - 266

MUNICIPAL ORDER APPROVING A MEMORANDUM OF AGREEMENT BETWEEN THE CITY OF BOWLING GREEN AND THE KENTUCKY STATE HISTORIC PRESERVATION OFFICER RELATED TO THE SOUTHERN KENTUCKY PERFORMING ARTS CENTER, INC. PROJECT AREA

Summary of Municipal Order No. 2006 - 266 was read by the Assistant City Manager/City Clerk. DeFebbo indicated that this agreement related to properties on Center Street for which the City was required to document. Housing and Community Development Director Alice Burks stated that the documentation process began in June 2005 and that the City was requesting clarification from the Kentucky State Historic Preservation Officer regarding the requirement for an archeology study. Upon clarification that there was no problem with approving the agreement as presented, 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 - 266 was approved by unanimous vote.

ORDINANCE NO. BG2006 - 42

(First Reading)

ORDINANCE REZONING REAL ESTATE

ORDINANCE REZONING A TRACT OF LAND CONTAINING 0.80 ACRE FROM RS-1A (SINGLE FAMILY RESIDENTIAL) TO OP-C (OFFICE PROFESSIONAL-COMMERCIAL) LOCATED AT THE INTERSECTION OF EASTLAND STREET AND LYDA AVENUE, WITH BINDING ELEMENTS, PRESENTLY OWNED BY ALEX AND JENNIFER NOTTMEIER

Title and summary of Ordinance No. BG2006 - 42 was read by the Assistant City Manager/City Clerk. Planning Commission Director Andy Gillies reviewed the recommended rezoning and associated binding elements. He provided clarification regarding the referenced maps related to this rezoning and the restriction with connecting the development to Gary Farms Boulevard. He also responded to questions about concerns expressed regarding possible encroachment of the adjacent residential area and future development anticipated along Lyda Avenue.

Russell Morgan of 1909 Harvey Avenue spoke in opposition to the rezoning citing concerns about possible encroachment into the neighborhood, referencing Ordinance No. BG83-41 and Section 4.6.6 of the Comprehensive Plan adopted prior to 1990. He stated he thought the property should stay residential.

Attorney Kevin Brooks, representing the property owners, responded to comments made by Mr. Morgan. He noted that this rezoning fit with existing zoning already in place for that area and that the binding elements reduced the property's use. He pointed out that the Planning Commission voted unanimously that the rezoning was consistent with the Comprehensive Plan.

There was additional discussion regarding the requirement for landscape buffers, the focal point of the neighborhood, the adoption of an updated Comprehensive Plan in 1990, and the history of the development and its designated zoning. Following the discussion, motion was made by Strow and seconded by Alcott 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 - 42 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2006 - 267

MUNICIPAL ORDER AUTHORIZING AND ACCEPTING BID #2007-19 FOR THE PURCHASE OF SELF CONTAINED BREATHING APPARATUS FROM ORR SAFETY OF LOUISVILLE, KENTUCKY FOR THE FIRE DEPARTMENT IN THE AMOUNT OF \$25,875

Summary of Municipal Order No. 2006 - 267 was read by the Assistant City Manager/City Clerk. DeFebbo reviewed the recommended bid award. Motion was made by Simpson 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 - 267 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2006 - 268

MUNICIPAL ORDER AUTHORIZING AND ACCEPTING BID #2007-22 FOR THE PURCHASE OF ASPHALT AND STONE FROM SCOTTY'S CONTRACTING AND STONE OF BOWLING GREEN, KENTUCKY FOR THE OPERATIONS DIVISION, PUBLIC WORKS DEPARTMENT IN THE AMOUNT OF \$41,950

Summary of Municipal Order No. 2006 - 268 was read by the Assistant City Manager/City Clerk. DeFebbo reviewed the annual purchase and recommended bid award. Motion was made by Strow 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 - 268 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2006 - 269

MUNICIPAL ORDER APPROVING A CONTRACT THROUGH NONCOMPETITIVE NEGOTIATIONS WITH CENTURY EQUIPMENT OF TOLEDO, OHIO UNDER THE KENTUCKY STATE PRICING CONTRACT FOR THE PURCHASE OF A TORO REELMASTER 3100 MOWER AND A TORO INFIELD PRO 2020 INFIELD/SAND RAKE IN THE TOTAL AMOUNT OF \$33,822

Summary of Municipal Order No. 2006 - 269 was read by the Assistant City Manager/City Clerk. DeFebbo indicated that the City would receive the best price under State Pricing contract for this purchase. He also responded to a question regarding budget estimates and capturing of under spending. 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 - 269 was approved by unanimous vote.

NOTE: Municipal Order Nos. 2006 - 270, 2006 - 271 and 2006 - 272 were previously approved.

ORDINANCE NO. BG2006 - 43

(First 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 - 43 was read by the Assistant City Manager/City Clerk. DeFebbo explained the recommendation to reorganize a position in the Parks and Recreation Department and the recommendation to create a new position of Purchasing Agent to separate that function from the Internal Auditor. Motion was made by Nash and seconded by Alcott 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 - 43 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 (b) and (f) as previously approved.

RECONVENE IN OPEN SESSION

Once all discussion concluded in closed session, the Board of Commissioners reconvened in open session to consider action. Motion was made by Strow and seconded by Alcott to add Municipal Order No. 2006 – 273 to the agenda for consideration. With no discussion, a roll call vote was taken.

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

Motion to add Municipal Order No. 2006 – 273 to the agenda was approved by unanimous vote.

MUNICIPAL ORDER NO. 2006 – 273

MUNICIPAL ORDER APPROVING ACQUISITION OF PROPERTY
LOCATED AT 609 CENTER STREET

Summary of Municipal Order No. 2006 - 273 was read by the Assistant City Manager/City Clerk. 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 - 273 was approved by unanimous vote.

ADJOURNMENT

There being no further business to come before the Board of Commissioners, at approximately 9:50 p.m., Mayor Walker declared this meeting adjourned.

ADOPTED: _____

APPROVED: _____
Mayor, Chairman of Board of Commissioners

ATTEST: _____
City Clerk

Minutes prepared by Assistant City Manager/City Clerk Katie Schaller