

**02/MINUTES of REGULAR MEETING
of the BOARD of COMMISSIONERS
of the CITY of BOWLING GREEN, KENTUCKY
held FEBRUARY 6, 2007**

The Board of Commissioners of the City of Bowling Green, Kentucky met in regular session in the Commission Chamber of City Hall, Bowling Green, Kentucky at 7:00 p.m. on February 6, 2007. Mayor Elaine N. Walker called the meeting to order. An invocation was given by Senior Paster Brian Smith of Calvary Baptist 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 Brian K. Strow, Commissioner Bruce Wilkerson, Commissioner Joe W. Denning, Commissioner Brian "Slim" Nash and Mayor Elaine N. Walker. Absent: none. There was a full quorum of the Board of Commissioners.

AWARDS & RECOGNITIONS

Mayor Walker recognized Elizabeth Westbrook of the Warren County Farm Bureau who presented baskets of food to each elected official. The Board members were asked to designate a charity or food bank to which the baskets would be donated. Mayor Walker expressed appreciation on behalf of the Board to the Warren County Farm Bureau and the area farmers.

Commissioner Strow announced the birth of his third child, Oliver Wood Strow, who was born earlier in the day.

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 the discussion of proposed litigation on behalf of the City. Motion was made by Wilkerson and seconded by Nash to convene in closed session following the regular meeting pursuant to KRS 61.810 (b) and (c). Walker called for roll call vote.

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

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

City Manager DeFebbo reminded everyone about the upcoming public forum regarding managed growth to be held at 7:00 p.m. on Thursday, February 8, 2007 at the Sloan Convention Center.

APPROVAL OF MINUTES

Minutes of Regular Meeting January 16, 2007

Minutes of the above-referenced meeting were distributed to the Board of Commissioners with the Agenda for their review. Motion was made by Strow 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: Strow, Wilkerson, Denning, Nash and Walker
 Voting Nay: None

Motion to approve the minutes of the regular meeting of January 16, 2007 was approved by unanimous vote.

PUBLIC COMMENTS

Gayla Cissell of Oakland, Kentucky expressed concern regarding the finances of the Inter-modal Transportation Authority (ITA) and the use of the land purchased for the transpark zoned as agricultural. She provided a packet of information to the Board members which included property records for land purchased for the transpark development, minutes of ITA Executive Board and Committee meetings, and Warren County Fiscal Court ordinances regarding the establishment of a local industrial development authority and the creation of the ITA.

CONSENT AGENDA

Commissioner Nash requested that item number 1 (Municipal Order No. 2007 – 30) 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 – 45

MUNICIPAL ORDER APPROVING AND AUTHORIZING OUT-OF-TOWN TRAVEL EXPENSES FOR MAYOR ELAINE N. WALKER FOR ATTENDING THE NATIONAL LEAGUE OF CITIES CONGRESS OF CITIES & EXPO IN RENO, NEVADA

MUNICIPAL ORDER NO. 2007 – 46

MUNICIPAL ORDER APPROVING AND AUTHORIZING OUT-OF-TOWN TRAVEL EXPENSES FOR MAYOR ELAINE N. WALKER FOR ATTENDING A MEETING WITH SECRETARY OF COMMERCE, STATE BUDGET DIRECTOR AND FEDERAL HIGHWAY ADMINISTRATOR IN FRANKFORT, KENTUCKY

MUNICIPAL ORDER NO. 2007 – 47

MUNICIPAL ORDER APPROVING THE APPOINTMENTS OF JOHN EDWARD STEWART, KEVIN LEE JORDAN AND JERRY OLIVER TO THE BOWLING GREEN-WARREN COUNTY MOBILE RADIO COMMUNICATIONS COMMITTEE

MUNICIPAL ORDER NO. 2007 - 48

MUNICIPAL ORDER AUTHORIZING THE SUBMISSION OF A GRANT APPLICATION FOR THE FISCAL YEAR 2007 PRESERVE AMERICA HISTORIC PRESERVATION GRANT FUND IN THE AMOUNT OF \$162,625

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

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

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

REGULAR AGENDA

MUNICIPAL ORDER NO. 2007 - 49

MUNICIPAL ORDER APPROVING THE PROBATIONARY APPOINTMENT OF ALLEN KEITH PAPP TO THE POSITION OF LABORER II IN THE PUBLIC WORKS DEPARTMENT, OPERATIONS DIVISION

Summary of Municipal Order No. 2007 - 49 was read by the Assistant City Manager/City Clerk. DeFebbo reviewed the recommended appointment and associated qualifications. Motion was made by Strow 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: Strow, Wilkerson, Denning, Nash and Walker
 Voting Nay: None

Municipal Order No. 2007 - 49 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2007 - 50

MUNICIPAL ORDER APPROVING THE PROMOTION OF JOHN BRENT BELCHER TO THE POSITION OF RECREATION DIVISION MANAGER IN THE PARKS AND RECREATION DEPARTMENT

Summary of Municipal Order No. 2007 - 50 was read by the Assistant City Manager/City Clerk. DeFebbo reviewed the recommended promotion and associated qualifications. Motion was made by Wilkerson 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, Wilkerson, Denning, Nash and Walker
 Voting Nay: None

Municipal Order No. 2007 - 50 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2007 - 51

MUNICIPAL ORDER APPROVING THE PROMOTIONS OF JERRY DAVID OLIVER TO THE POSITION OF DEPUTY CHIEF, JAMES TODD NAPIER TO THE POSITION OF ASSISTANT CHIEF OF TRAINING, DEREK LEE DEPP TO THE POSITION OF COMPANY COMMANDER/EMT, AND JOSEPH CHRISTOPHER GRAY TO THE POSITION OF FIRE APPARATUS OPERATOR/EMT IN THE FIRE DEPARTMENT

Summary of Municipal Order No. 2007 - 51 was read by the Assistant City Manager/City Clerk. DeFebbo indicated that these promotions were the result of the recent retirement of Deputy Fire Chief Oscar Cherry. Fire Chief Greg Johnson reviewed the qualifications for each recommended promotion. 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: Strow, Wilkerson, Denning, Nash and Walker
 Voting Nay: None

Municipal Order No. 2007 - 51 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2007 - 52

MUNICIPAL ORDER APPROVING THE PROBATIONARY APPOINTMENT OF EARL THOMAS CLAYTON TO THE POSITION OF SENIOR PROJECT MANAGER IN THE PUBLIC WORKS DEPARTMENT

Summary of Municipal Order No. 2007 - 52 was read by the Assistant City Manager/City Clerk. DeFebbo reviewed the recommended appointment and associated qualifications. 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: Strow, Wilkerson, Denning, Nash and Walker
 Voting Nay: None

Municipal Order No. 2007 - 52 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2007 - 53

MUNICIPAL ORDER AUTHORIZING AND ACCEPTING BID #2007-37 FOR EMPLOYEE BENEFITS BROKER/AGENT FROM SHERRIL D. MORGAN & ASSOCIATES OF COVINGTON, KENTUCKY IN THE TOTAL AMOUNT OF \$29,900 PER YEAR FOR THREE YEARS

Summary of Municipal Order No. 2007 - 53 was read by the Assistant City Manager/City Clerk. DeFebbo indicated that hiring an Agent of Record was the first step in reviewing the City's insurance services, which was requested by the Board of Commissioners in the past year. He reviewed the procurement and evaluation process, and recommended the bid award. Comm. Denning

inquired about the length of the agreement and whether three years was normal. DeFebbo responded that it was, but that it could be shortened if the company agreed. Motion was made by and Denning seconded by Wilkerson to amend Municipal Order No. 2007 – 53 to change the term of the agreement to two years. Mayor Walker asked for additional discussion, and with none, a roll call vote was taken.

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

Motion to amend Municipal Order No. 2007 - 53 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2007 – 53

As Amended

MUNICIPAL ORDER AUTHORIZING AND ACCEPTING BID #2007-37 FOR EMPLOYEE BENEFITS BROKER/AGENT FROM SHERRIL D. MORGAN & ASSOCIATES OF COVINGTON, KENTUCKY IN THE TOTAL AMOUNT OF \$29,900 PER YEAR FOR TWO ~~THREE~~ YEARS

There was continued discussion regarding the services to be provided at no additional cost, the consideration of a third party administrator as a separate issue in the future, and the evaluation criteria for determining the best bidder which was stated in the request for proposals. Once all discussion ended, motion was made by Strow and seconded by Nash for consideration of said Municipal Order as amended. Mayor Walker asked for additional discussion, and with none, a roll call vote was taken.

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

Municipal Order No. 2007 - 53 as amended was approved by unanimous vote.

MUNICIPAL ORDER NO. 2007 – 54

MUNICIPAL ORDER AUTHORIZING EXECUTION OF AMENDMENT TO DOWNTOWN REDEVELOPMENT AGREEMENT RELATED TO THE BOWLING GREEN AREA CHAMBER OF COMMERCE HEADQUARTERS BUILDING

Summary of Municipal Order No. 2007 - 54 was read by the Assistant City Manager/City Clerk. DeFebbo stated that this issue was discussed at the earlier work session. He indicated that with the Chamber contracting for construction of a parking lot off the alley in the block between 7th and 8th Avenues, the City had an opportunity to move forward on the first phase of the Heritage Trail at the same time. Bowling Green Area Chamber of Commerce Past Board Chairman Rick Kelley reviewed the scope of work to include an alley expansion and shared use path (Heritage Trail). Motion was made by Denning 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, Wilkerson, Denning, Nash and Walker
Voting Nay: None

Municipal Order No. 2007 - 54 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2007 - 55

MUNICIPAL ORDER AUTHORIZING NEIGHBORHOOD INVESTMENT INITIATIVE AGREEMENTS WITH HOUSING ASSISTANCE AND DEVELOPMENT SERVICES, INC. AND LIVE THE DREAM INC. RELATED TO THE PROVISION OF LOW-TO-MODERATE INCOME HOUSING IN THE ENTERPRISE COMMUNITY AREA

Summary of Municipal Order No. 2007 - 55 was read by the Assistant City Manager/City Clerk. DeFebbo stated that this issue was also discussed at the work session earlier in the day. He reviewed the collaboration with HANDS, Inc. and the Housing Authority of Bowling Green to focus on homeownership and an investment in westside neighborhoods. 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: Strow, Wilkerson, Denning, Nash and Walker
 Voting Nay: None

Municipal Order No. 2007 - 55 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2007 - 56

MUNICIPAL ORDER APPROVING PLANNING FUNDING AGREEMENT (800 MHZ RECONFIGURATION) WITH NEXTEL OPERATIONS, INC.

Summary of Municipal Order No. 2007 - 56 was read by the Assistant City Manager/City Clerk. DeFebbo commented about the City's excellent communications system, but that the increasing use of airways has caused changes directed by the Federal Communications Commission (FCC). Communications Center Manager Malissa Carter reviewed the requirement to relocate two frequencies used by the City and the reimbursement of any costs incurred by Nextel Operations. 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: Strow, Wilkerson, Denning, Nash and Walker
 Voting Nay: None

Municipal Order No. 2007 - 56 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2007 - 57

MUNICIPAL ORDER APPROVING RECONFIGURATION PLANNING PHASE AGREEMENT WITH MOTOROLA, INC.

Summary of Municipal Order No. 2007 - 57 was read by the Assistant City Manager/City Clerk. Communications Center Manager Malissa Carter reviewed the agreement with Motorola as it related to the previous Municipal Order No. 2007 - 56. Motion was made by Denning 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, Wilkerson, Denning, Nash and Walker
 Voting Nay: None
Municipal Order No. 2007 - 57 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2007 - 58

MUNICIPAL ORDER AUTHORIZING AND ACCEPTING BID #2007-36 FOR WKU MAIN CAMPUS TO SOUTH CAMPUS SHARED-USE PATH DESIGN FROM AMERICAN ENGINEERS, INC. OF GLASGOW, KENTUCKY IN THE AMOUNT OF \$26,500

Summary of Municipal Order No. 2007 - 58 was read by the Assistant City Manager/City Clerk. DeFebbo reviewed the project to advance connectivity of neighborhoods. Greenways Coordinator Helen Siewers reviewed the bid and recommended award which would be paid through Transportation Enhancement funds. Ms. Siewers responded to questions regarding bicycle path markings, trail rules and signage to be installed, and street crossings. 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, Wilkerson, Denning, Nash and Walker
 Voting Nay: None
Municipal Order No. 2007 - 58 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2007 - 59

MUNICIPAL ORDER AUTHORIZING AND ACCEPTING BID #2007-41 FOR POLICE VEHICLE EQUIPMENT FROM LAW ENFORCEMENT SUPPLY OF MARIETTA, GEORGIA AND MCCORD EMERGENCY LIGHTING OF LEXINGTON, KENTUCKY IN THE TOTAL AMOUNT OF \$80,123.94

Summary of Municipal Order No. 2007 - 59 was read by the Assistant City Manager/City Clerk. DeFebbo reviewed the previously approved purchase of new police vehicles and the need to outfit them with the proper equipment. Deputy Police Chief John Stewart described the equipment and recommended the bid award. Motion was made by Wilkerson 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, Wilkerson, Denning, Nash and Walker
 Voting Nay: None
Municipal Order No. 2007 - 59 was approved by unanimous 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 withdrew this item from consideration for further review to determine if there was going to be any potential impact to fire investigations. Comm. Denning commented about the need to consider the ordinance's impact on insurance companies as well as investigations.

MUNICIPAL ORDER NO. 2007 - 60

MUNICIPAL ORDER AUTHORIZING PAYMENT OF SUBSIDY
FOR DEPOT MANAGEMENT AND START UP COST OF DEPOT
MUSEUM IN THE TOTAL AMOUNT OF \$69,286.50 TO THE
FRIENDS OF L&N DEPOT, INC.

Summary of Municipal Order No. 2007 - 60 was read by the Assistant City Manager/City Clerk. DeFebbo reviewed the recent reorganization of the Depot management and a request to provide start up funds and a one-time contribution for a planned Depot Museum. Friends of L&N Depot Executive Director Bill Hembold responded to questions regarding the anticipation of becoming self-sufficient in five years. 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: Strow, Wilkerson, Denning, Nash and Walker
 Voting Nay: None

Municipal Order No. 2007 - 60 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2007 - 61

MUNICIPAL ORDER AUTHORIZING THE SALE AND REMOVAL
OF SURPLUS PROPERTY REFERRED TO AS THE BOOTH FIRE
BUILDING LOCATED AT 626 COLLEGE STREET TO CAUSEYS
AUTO SALES, A KENTUCKY GENERAL PARTNERSHIP OF
BOWLING GREEN, KENTUCKY FOR THE PURCHASE PRICE OF
\$10,551

Summary of Municipal Order No. 2007 - 61 was read by the Assistant City Manager/City Clerk. DeFebbo indicated that the City had made a commitment to remove the buildings from Circus Square to prepare it for development. Housing and Community Development Director Alice Burks reviewed the bid to sell the structure and clear the site to the foundation. City Attorney Gene Harmon responded to a question about the timeframe for the structure's removal which was linked to the 30 day termination notice in the current lease agreement with Booth Fire & Safety. Comm. Denning requested that ample time be given for the building to be vacated. 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, Wilkerson, Denning, Nash and Walker
 Voting Nay: None

Municipal Order No. 2007 - 61 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2007 - 30

MUNICIPAL ORDER APPROVING AND AUTHORIZING OUT-OF-TOWN TRAVEL EXPENSES FOR MAYOR ELAINE N. WALKER FOR ATTENDING MEETINGS WITH THE U.S. CONFERENCE OF MAYORS REPRESENTATIVES IN WASHINGTON, D.C.

Summary of Municipal Order No. 2007 - 30 was read by the Assistant City Manager/City Clerk. Comm. Nash explained that he had received conflicting and incomplete information from the Mayor when he inquired about the purpose of the trip and requested an explanation of the discrepancies. Mayor Walker stated that she had no intention of misleading or hiding anything regarding the trip. She provided a timeline of events and indicated who she had met with in Washington, D.C. Comm. Nash requested that future travel approval include accurate information for the Board to make informed decisions.

Comm. Nash also expressed concern with the City paying for a second roundtrip airfare for the Mayor to return to Bowling Green on Saturday, November 4, 2006 in order to attend an event and to go back to Washington, D.C. the same day. Comm. Strow agreed and indicated that he did not think the City should pay for a rental car from November 4th to November 5th since there was no benefit to the City during that time period. Mayor Walker explained that after she had arrived in Washington, she learned that previously scheduled meetings on November 3rd had been canceled. However, she stated that she also had meetings scheduled on November 6th. She further explained that she made a decision to return for a very important event (funeral of Police Officer David Whitson). She also pointed out that the Commissioners had every right to not approve her travel if they believed that the expenses were not appropriate.

Following further discussion of the timeline and flight changes, Mayor Walker agreed to the removal of one night's car rental and that it be considered a personal expense. 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: Wilkerson and Denning
 Voting Nay: Strow and Nash
 Abstaining: Walker

Municipal Order No. 2007 - 30 was defeated for lack of a majority vote. Prior to Mayor Walker stating her vote, City Attorney Gene Harmon advised that she might consider abstaining since there was a potential for an appearance of a conflict of interest.

CLOSED SESSION

Following a brief recess to clear the Commission Chamber, the Board of Commissioners met in closed session pursuant to KRS 61.810 (b) and (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 8:55 p.m., Mayor Walker declared this meeting adjourned.

WORK SESSION

Prior to the regular meeting and with no action taken, the Board of Commissioners convened at 4:00 p.m. in the Commission Chamber of City Hall for a regular work session to discuss the following subjects: 1) the Westside Housing Investment Program; 2) a review of Heritage Walk (Trail) project; and 3) a follow up to additional requested information for Downtown Signalization.

ADOPTED: _____

APPROVED: _____
Mayor, Chairman of Board of Commissioners

ATTEST: _____
City Clerk

Minutes prepared by Assistant City Manager/City Clerk Katie Schaller