

**MINUTES of SPECIAL MEETING
of the BOARD of COMMISSIONERS
of the CITY of BOWLING GREEN, KENTUCKY
held JANUARY 7, 2008**

The Board of Commissioners of the City of Bowling Green, Kentucky met in special session in the Commission Chamber of City Hall, Bowling Green, Kentucky at 7:00 p.m. on January 7, 2008. Mayor Elaine N. Walker called the meeting to order. An invocation was given by Campus Minister Steve Tyree of Greenwood Park Church of Christ, 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.

CITY MANAGER

City Manager Kevin D. DeFebbo welcomed Police Officer Melissa Bailey who was in attendance to provide increased security. He also recognized Margret Ridley, a graduate student from Eastern Kentucky University, who was shadowing him for a couple of days to learn more about being a City Manager.

In conjunction with Ordinance No. BG2007 – 55, Mr. DeFebbo reported the results of his review regarding the Gas Franchise Fee and alternatives for consideration by the Board. He included information about how other cities apply the franchise fee, the impact of the 1% fee to the residential consumer of \$0.78 per month and commercial consumer of \$2.47 per month, the two ways a fee could be assessed which was either by gross receipts or per meter charge, and the potential impact to the City's budget depending on the type of fee applied.

As noted at the end of the agenda, Mr. DeFebbo requested a closed session pursuant to KRS 61.810: (b) for discussion on the future acquisition and sale of real property by the City, but only when publicity would likely affect the value of the specific pieces of property to be acquired for public use or sold by the City; (c) for discussion of proposed and pending litigation against or on behalf of the City; and (g) for discussion between the City and a representative of business entities and discussions concerning a specific proposal, if open discussions would jeopardize the siting, retention, expansion or upgrading of the businesses. It was also noted that action may follow. Motion was made by Wilkerson and seconded by Nash to convene in closed session at the end of the meeting pursuant to KRS 61.810 (b), (c) and (g). 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), (c) and (g) was approved by unanimous vote.

APPROVAL OF MINUTES

Minutes of Regular Meeting December 18, 2007

Minutes of the above-referenced meeting were distributed to the Board of Commissioners with the Agenda for their review. Motion was made by Wilkerson and seconded by Nash to approve said

minutes as written. Mayor Walker asked for discussion, and with none, a roll call vote was taken.

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

Motion to approve the minutes of the regular meeting of December 18, 2007 was approved by unanimous vote.

PUBLIC COMMENTS

Mayor Walker opened the floor for any public comments regarding any item on the agenda and there were none.

CONSENT AGENDA

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

MUNICIPAL ORDER NO. 2008 - 1

MUNICIPAL ORDER APPROVING THE APPOINTMENT OF JAMES G. SIMPSON TO THE BOWLING GREEN COMMUNITY TREE ADVISORY BOARD

MUNICIPAL ORDER NO. 2008 - 2

MUNICIPAL ORDER APPROVING THE REAPPOINTMENTS OF JACKIE T. STRODE, BETTY SANSON AND EDWIN D. PHELPS TO THE BOWLING GREEN-WARREN COUNTY MILITARY LIAISON BOARD

MUNICIPAL ORDER NO. 2008 - 3

MUNICIPAL ORDER APPROVING THE APPOINTMENT OF LEON H. VOLKERT TO THE BOWLING GREEN AREA CONVENTION AND VISITORS BUREAU

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. Following the vote, Comm. Nash requested that the number of meetings held during the year by each board also be included with the information provided about attendance records for reappointments.

REGULAR AGENDA

ORDINANCE NO. BG2007 - 55

(Second Reading)

ORDINANCE RELATING TO GAS FRANCHISE

ORDINANCE EXTENDING EXISTING GAS FRANCHISE
AGREEMENT WITH ATMOS ENERGY CORPORATION FOR A
PERIOD NOT TO EXCEED MAY 3, 2008

Title and summary of Ordinance No. BG2007 - 55 was read by the Assistant City Manager/City Clerk. Motion was made by Wilkerson and seconded by Strow for second reading of said Ordinance. DeFebbo provided an update regarding his research of franchise fees under the City Manager comments earlier in the meeting. Mayor Walker requested a work session at the next Board meeting to discuss the issue further. With no other discussion, a roll call vote was taken.

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

Voting Nay: None

Ordinance No. BG2007 - 55 was adopted by unanimous vote.

MUNICIPAL ORDER NO. 2008 - 4

MUNICIPAL ORDER APPROVING THE PROMOTION OF LORI
ANN GRAY TO THE POSITION OF BENEFITS MANAGER IN THE
HUMAN RESOURCES AND RISK MANAGEMENT DEPARTMENT

Summary of Municipal Order No. 2008 - 4 was read by the Assistant City Manager/City Clerk. Motion was made by Wilkerson and seconded by Strow for consideration of said Municipal Order. DeFebbo explained that an upcoming retirement prompted the need to fill the position of Benefits Manager. He noted that a recent outside review of the Human Resources Department also recommended that this position be filled quickly. Human Resources Director Michele Tolbert reviewed the qualifications of the recommended promotion. 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. 2008 - 4 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2008 - 5

MUNICIPAL ORDER APPROVING THE PROBATIONARY
APPOINTMENT OF JORDAN MICHAEL STICE TO THE POSITION
OF EQUIPMENT TECHNICIAN IN THE PUBLIC WORKS
DEPARTMENT, FLEET DIVISION

Summary of Municipal Order No. 2008 - 5 was read by the Assistant City Manager/City Clerk. Motion was made by Wilkerson and seconded by Nash for consideration of said Municipal Order. DeFebbo reviewed the qualifications for the recommended appointment. Mayor Walker asked for additional discussion, and with none, a roll call vote was taken.

ROLL CALL: Voting Yea: Strow, Wilkerson, Denning, Nash and Walker
 Voting Nay: None
Municipal Order No. 2008 - 5 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2008 - 6

MUNICIPAL ORDER APPROVING THE PROBATIONARY APPOINTMENT OF RICKY DEAN BIBB TO THE POSITION OF LANDSCAPE GARDENER IN THE PARKS AND RECREATION DEPARTMENT, LANDSCAPE DIVISION

Summary of Municipal Order No. 2008 - 6 was read by the Assistant City Manager/City Clerk. Motion was made by Wilkerson and seconded by Denning for consideration of said Municipal Order. DeFebbo reviewed the qualifications for the recommended appointment. 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. 2008 - 6 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2008 - 7

MUNICIPAL ORDER APPROVING THE PROBATIONARY APPOINTMENT OF SARA NICOLE CLEMENT TO THE POSITION OF HELP DESK SPECIALIST IN THE INFORMATION TECHNOLOGY DEPARTMENT

Summary of Municipal Order No. 2008 - 7 was read by the Assistant City Manager/City Clerk. Motion was made by Wilkerson and seconded by Strow for consideration of said Municipal Order. DeFebbo reviewed the qualifications for the recommended appointment. 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. 2008 - 7 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2008 - 8

MUNICIPAL ORDER APPROVING THE PROBATIONARY APPOINTMENTS OF DALE EDWARD BARBIEA, WADE MARTIN HUGHES, JR. AND WILLIAM BRADLEY HOGUE TO THE POSITION OF POLICE OFFICER IN THE POLICE DEPARTMENT

Summary of Municipal Order No. 2008 - 8 was read by the Assistant City Manager/City Clerk. Motion was made by Wilkerson and seconded by Denning for consideration of said Municipal Order. DeFebbo reviewed the qualifications for the recommended appointment. He also noted that the Police Department was only three vacancies shy of full compliment. 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. 2008 - 8 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2008 - 9

MUNICIPAL ORDER APPROVING RECOMMENDATION FROM
THE BOWLING GREEN AREA CONVENTION AND VISITORS
BUREAU TO DISTRIBUTE \$94,910 OF TRANSIENT ROOM TAXES
TO THE BOWLING GREEN AREA LODGING ASSOCIATION

Summary of Municipal Order No. 2008 - 9 was read by the Assistant City Manager/City Clerk. Motion was made by Denning and seconded by Wilkerson for consideration of said Municipal Order. DeFebbo reviewed the recommendation by the Bowling Green Area Convention and Visitors Bureau to fund a project to establish a visitor information television program to be aired on local hotel room televisions. Convention and Visitors Bureau Executive Director Vicki Fitch responded to questions about the project benefits to the area, its anticipated use, the way the service would be promoted and how it would be maintained. Comm. Strow commented about seeing similar programs in other communities and he thought it would be helpful to Bowling Green. Mayor Walker asked for additional discussion, and with none, a roll call vote was taken.

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

Municipal Order No. 2008 - 9 was approved by majority vote. Mayor Walker abstained since her company was submitting a bid for production services related to this project.

MUNICIPAL ORDER NO. 2008 - 10

MUNICIPAL ORDER EXPRESSING THE INTENT OF THE CITY
OF BOWLING GREEN, KENTUCKY TO FINANCE COSTS
RELATED TO CONSTRUCTION OF THE GREENWOOD FIRE
STATION AND EXPANSIONS TO THE HEADQUARTERS AND
AIRPORT FIRE STATIONS IN 2008

Summary of Municipal Order No. 2008 - 10 was read by the Assistant City Manager/City Clerk. Motion was made by Wilkerson and seconded by Denning for consideration of said Municipal Order. DeFebbo reviewed the need to finance the projects through bonding. Chief Financial Officer Jeff Meisel explained that this action would allow the City to recover costs incurred for the projects before the permanent financing mechanism could be established. Comm. Wilkerson confirmed that debt would be paid through the Fire Improvement Fund. 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. 2008 - 10 was approved by unanimous vote.

ORDINANCE NO. BG2008 - 1
(First Reading)

ORDINANCE REZONING REAL ESTATE

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

Title and summary of Ordinance No. BG2008 - was read by the Assistant City Manager/City Clerk. Motion was made by Strow and seconded by Denning for first reading of said Ordinance. City-County Planning Commission Director Steve Hunter reviewed the recommended rezoning and its binding elements. 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

First reading of Ordinance No. BG2008 - 1 was approved by unanimous vote.

ORDINANCE NO. BG2008 - 2

(First Reading)

ORDINANCE AMENDING CODE OF ORDINANCES

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

Title and summary of Ordinance No. BG2008 - 2 was read by the Assistant City Manager/City Clerk. Motion was made by Strow and seconded by Nash for first reading of said Ordinance. Comm. Strow explained his proposal to change the regular work session meeting time from 4:00 p.m. to 5:30 p.m. He indicated that a later start time would allow for Board members to work a full day before attending the work session and would provide a better opportunity for the public to attend or watch from home.

Comm. Denning expressed concern about work sessions going straight into the regular meeting time and that the loss of an hour and a half of work session time would restrict the amount of time the Board would have to discuss items, potentially limiting discussions to only one item. Comm. Strow suggested that the Board could establish a minimum fifteen minute break between meetings to prevent them from running together.

Mayor Walker also expressed concern about shortening the work sessions and commented that a standard work session could last two hours. She also expressed concern related to an up coming discussion about elected official compensation and the recognition that elected officials have to take off from their full-time jobs to fulfill their duties as an elected official.

Comm. Nash stated that he had no problem with the change; however, he suggested that the Board consider changing the time on a trial basis to determine if it could work. He also agreed that there needed to be some period of time between meetings.

In responding to questions from the Mayor, City Manager DeFebbo indicated that he was already having to postpone items for discussion at work sessions because of the lack of available time. He further stated that if the time was limited, that entire time allotted would most likely be needed to get through the issues. Although, he stated that staff would be there no matter what time the Board chose to meet.

Comm. Nash inquired about the average time work sessions lasted and requested, if it were possible to determine, the information be provided to the Board. Ms. Schaller indicated that she would see what she could come up with and respond before the next meeting.

Once all discussion ended, a roll call vote was taken.

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

First reading of Ordinance No. BG2008 – 2 failed by majority vote. Ms. Schaller stated that this ordinance would be brought back at the next meeting for its second reading and final vote.

ORDINANCE NO. BG2008 – 3
(First Reading)
ORDINANCE AMENDING CODE OF ORDINANCES

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

Title and summary of Ordinance No. BG2008 - 3 was read by the Assistant City Manager/City Clerk. Motion was made by Denning and seconded by Walker for first reading of said Ordinance. Comm. Denning reviewed his recommendation to increase elected officials' salaries based on the work of the Task Force. He stated that the change in salary would not take effect until January 1, 2009. He further stated that over the years the job had changed dramatically and that other cities were paying more for elected official salaries, including the Warren County Magistrates.

With regard to both this Ordinance and the next Ordinance No. BG2008 – 4, Comm. Nash stated that he did not like either proposal. He also stated that pay was an emotional and political issue and that he believed they should be paid a fair wage for a fair amount of work. He disagreed with comparing the Board of Commissioners to the Warren County Magistrates since they were two different structures of government. Comm. Nash made a motion to amend Ordinance No. BG2008 – 3 to follow the recommendation of the Task Force at the minimum levels of the ranges which were \$26,000 for Mayor and \$19,000 for Commissioner. The motion failed for lack of a second.

Comm. Strow suggested that the same methodology used in developing the pay plans for employees should be used and that the elected officials' pay should be reassessed with the next pay study. He referred to his proposal, Ordinance No. BG2008 – 4, which based elected official salaries on the average of all "Class 2" Kentucky cities with the same form of government. He further suggested that those salaries should then be included in the next pay study for consideration later.

There was further discussion regarding Comm. Strow's proposal to compare elected officials' salaries with employees in a pay study. Comm. Denning expressed concern that there would not be an "apples to apples" comparison. However, Comm. Strow disagreed and explained that they would be considered with part-time workers and compared against other elected officials under the same type of government. He also emphasize that it was important for the Board to reach consensus on this issue before the filing deadline (January 29, 2008) for elected office to let anyone running know the salary to expect.

Mayor Walker expressed concern that the numbers could be manipulated in a study comparing to other cities. She explained the reason for appointing the Task Force was to involve citizens in examining the issues, including a look at all sides and the methodology. She indicated that the Board should consider the Task Force's recommendation since the members complied with its directive.

Comm. Wilkerson commented that he did not make an appointment to the Task Force. He stated that he had made up his mind before the Task Force was developed that he disagreed with increasing the salaries.

Once all discussion ended, a roll call vote was taken.

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

First reading of Ordinance No. BG2008 - 3 failed by majority vote. Ms. Schaller stated that this ordinance would be brought back at the next meeting for its second reading and final vote.

ORDINANCE NO. BG2008 - 4

(First Reading)

ORDINANCE AMENDING CODE OF ORDINANCES

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

Title and summary of Ordinance No. BG2008 - was read by the Assistant City Manager/City Clerk. Motion was made by Strow and seconded by Nash for first reading of said Ordinance. Comm. Strow indicated that he would like to build consensus if the other members were serious about making a change. However, he further indicated that if the increase was not determined before the filing deadline, then he would not support any increase later. Comm. Nash agreed and stated that he would be unwilling to support an increase if it was not determined before the filing deadline.

Motion was made by Nash and seconded by Denning to amend Ordinance No. BG2008 - 4 to change the annual salary amounts from \$21,358 to \$26,000 for Mayor and from \$16,505 to \$19,000 for Commissioner and for the amounts to be based on the minimum level of the salary ranges recommended by the Elected Official Salary Task Force instead of the average salaries for "Class 2" Kentucky cities with the same form of government. Ms. Schaller noted that these changes mirrored

Ordinance No. BG2008 – 3 which was previously not approved at first reading. A roll call vote was taken.

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

Motion to amend Ordinance No. BG2008 - 4 to change the salary amounts to \$26,000 for Mayor and \$19,000 for Commissioner based on the recommendation of the Task Force failed by majority vote.

Mayor Walker suggested that the Board consider splitting the difference between Comm. Denning’s proposal (Ordinance No. BG2008 – 3) and Comm. Nash’s motion to amend previously voted down. Motion was made by Walker and seconded by Denning to amend Ordinance No. BG2008 – 4 to change the annual salary amounts from \$21,358 to \$28,000 for Mayor and from \$16,505 to \$20,500 for Commissioner, which remained within the ranges recommended by the Task Force.

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

Motion to amend Ordinance No. BG2008 - 4 to change the salary amounts to \$28,000 for Mayor and \$20,500 for Commissioner failed by majority vote.

Once all discussion concluded and a compromise could not be reached, a roll call vote was taken for first reading of Ordinance No. BG2008 – 4 as originally presented.

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

First reading of Ordinance No. BG2008 - 4 failed by majority vote. Ms. Schaller stated that this ordinance would be brought back at the next meeting for its second reading and final vote.

CLOSED SESSION

Following a brief recess to clear the Commission Chamber at approximately 8:50 p.m., the Board of Commissioners met in closed session pursuant to KRS 61.810 (b), (c) and (g) 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 Wilkerson and seconded by Denning to add Municipal Order No. 2008 – 11 to the agenda for consideration. With no discussion, a roll call vote was taken.

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

Motion to add Municipal Order No. 2008 – 11 to the agenda was approved by unanimous vote.

MUNICIPAL ORDER NO. 2008 – 11

MUNICIPAL ORDER APPROVING MUTUAL SETTLEMENT AND
RELEASE AGREEMENT WITH CRYE-LEIKE EXECUTIVE

REALTY, INC. RELATED TO THE PURCHASE OF 707 EAST
MAIN AVENUE

Summary of Municipal Order No. 2008 - 11 was read by the Assistant City Manager/City Clerk. 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. 2008 - 11 was approved by unanimous vote.

ADJOURNMENT

This being a special meeting and with no further business to come before the Board of Commissioners, at approximately 10:35 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