

**MINUTES of REGULAR MEETING  
of the BOARD of COMMISSIONERS  
of the CITY of BOWLING GREEN, KENTUCKY  
held OCTOBER 17, 2006**

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 October 17, 2006. Mayor Elaine N. Walker called the meeting to order. An invocation was given by Western Kentucky University Hilltoppers Basketball Player #5 Ty Rogers, 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 "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 HEARING**

City Attorney Gene Harmon, with assistance by Attorney Linda Thomas who represented most of the property owners on Lovers Lane, conducted a public hearing to solicit comments on a proposed special assessment to pay for the removal of the existing overhead utilities and the installation of underground utilities on Lovers Lane from Scottsville Road to Middlebridge Road. Mr. Harmon reviewed the requirements of KRS 91A.200 to 91A.290 and the developed Comprehensive Report which outlined the nature, scope and extent of the improvement, the preliminary estimated cost, the basis of assessment proposed, the proposed method of financing the assessment and such other information as may further explain material aspects of the improvement, assessment or financing. He further reviewed the requirements for this public hearing, the proposed ordinance setting out the City's intent to establish a special assessment and the ability for any property owners to contest the special assessment.

Attorney Linda Thomas expressed appreciation on behalf of many of the property owners for the City's willingness to share in the cost of the project. Mayor Walker noted that the project was previously discussed in detail at a work session on September 19, 2006.

Richard Booth, co-property owner of 1101 Lovers Lane, expressed concern with a special assessment and its impact on his property. He also noted that he was not made aware until recently of the discussions about property owners having to participate in a special assessment. Ms. Thomas explained that the property owners along Lovers Lane would be assessed based upon that property's linear foot frontage which was approximately \$3.22 per linear foot per year over 20 years.

Noy Oulay, property owner of 1106 Lovers Lane, also expressed concern with the special assessment and only just finding out about it. Ms. Thomas provided further explanation of the special assessment and breakdown of estimated costs to each property owner.

**PUBLIC COMMENTS**

David Baker of 436½ East Main Avenue expressed concerns with parking in the downtown area. As a resident on the Square, he remarked about the difficulty in finding a parking place which was not restricted. He suggested that consideration be given to providing specified lease parking that

was reserved specifically for downtown residents or providing a parking tag which would allow the user to be exempt from restricted parking spaces. Mayor Walker suggested that Mr. Baker contact the Downtown Redevelopment Authority about his concerns. Comm. Alcott also suggested that Mr. Baker contact other businesses on the Square that may have reserved parking available for lease.

#### CITY MANAGER

City Manager Kevin D. DeFebbo requested a closed session for the purpose of discussion of proposed or pending litigation against or on behalf of the City, and for discussion which might lead to the appointment, discipline or dismissal of an individual employee without restricting that employee's right to a public hearing if requested. Motion was made by Alcott and seconded by Nash to convene in closed session following the regular meeting pursuant to KRS 61.810 (c) and (f). 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) and (f) was approved by unanimous vote.

Mr. DeFebbo withdrew item number 17 (Municipal Order No. 2006 – 248 related to GM in-house warranty) from the agenda. He announced that a Bowling Green/Warren County Tech Day would be held from 1:00 to 6:00 p.m. on Thursday, October 26, 2006 at the Carroll Knicely Conference Center, and specifically a public forum presented by ConnectKentucky and the City regarding wireless broadband for public safety would begin at 4:30 p.m. that day.

#### RECOGNITIONS

Mayor Walker recognized Assistant City Manager/City Clerk Katie Schaller for achieving the Silver Level Award from the Kentucky League of Cities Public Officials Essential Skills Institute (POESI). Mayor Walker stated that she had received the POESI Bronze Level Award. She also recognized the Police Department for winning the Department of Criminal Justice Training (DOCJT) "Police Pistol Competition" for the third time in four years.

#### APPROVAL OF MINUTES

##### Minutes of Regular Meeting October 3, 2006

Minutes of the above-referenced meeting were distributed to the Board of Commissioners with the Agenda for their review. Motion was made by Nash and seconded by Simpson 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 October 3, 2006 was approved by unanimous vote.

CHANGE ORDER OF AGENDA

Comm. Nash made a motion, seconded by Alcott, to change the order of the agenda to consider item numbers 9 and 14 (Municipal Order Nos. 2006 - 241 and 2006 - 245) related to board and personnel appointments at this time. Walker called for roll call vote.

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

Motion to change the order of the agenda to consider Municipal Order Nos. 2006 - 241 and 2006 - 245 at this time was approved by unanimous vote.

MUNICIPAL ORDER NO. 2006 - 241

MUNICIPAL ORDER APPROVING THE APPOINTMENT OF  
CHIQUITA G. SPARKS TO THE BOWLING GREEN PUBLIC  
LIBRARY BOARD OF TRUSTEES

Summary of Municipal Order No. 2006 - 241 was read by the Assistant City Manager/City Clerk. Mayor Walker recommended the appointment. 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 - 241 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2006 - 245

MUNICIPAL ORDER APPROVING THE PROBATIONARY  
APPOINTMENTS OF BRYAN KEITH ROGERS AND ADAM CORY  
SMITH TO THE POSITION OF POLICE OFFICER IN THE POLICE  
DEPARTMENT

Summary of Municipal Order No. 2006 - 245 was read by the Assistant City Manager/City Clerk. DeFebbo reviewed the recommended appointments and their qualifications. 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 - 245 was approved by unanimous vote.

RESUME REGULAR ORDER OF AGENDA

ORDINANCE NO. BG2006 - 34

(Second Reading As Amended)

ORDINANCE RELATING TO PROPERTY TAX RATES

ORDINANCE SETTING 2006 PROPERTY TAX RATES,  
FRANCHISE TAX RATES AND IMPROVEMENT ASSESSMENT

RATES, AND SETTING FORTH GUIDELINES FOR PAYMENT,  
PENALTY AND INTEREST

Title and summary of Ordinance No. BG2006 - 34 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: Nash, Simpson, Strow, Alcott and Walker  
                          Voting Nay: None

Ordinance No. BG2006 - 34 was adopted by unanimous vote.

ORDINANCE NO. BG2006 - 35  
(Second Reading)  
ORDINANCE REZONING REAL ESTATE

ORDINANCE REZONING A TRACT OF LAND CONTAINING 1.36 ACRES FROM OP-C (OFFICE PROFESSIONAL-COMMERCIAL) TO HB (HIGHWAY BUSINESS) LOCATED AT 2424 AIRWAY COURT, WITH BINDING ELEMENTS, PRESENTLY OWNED BY JAMES AND SANDRA COOK AND RODNEY AND CYNTHIA VEITSCHEGGER

Title and summary of Ordinance No. BG2006 - 35 was read by the Assistant City Manager/City Clerk. Motion was made by Nash and seconded by Simpson for second reading of said Ordinance. 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

Ordinance No. BG2006 - 35 was adopted by unanimous vote.

MUNICIPAL ORDER NO. 2006 - 238

MUNICIPAL ORDER APPROVING AND AUTHORIZING REIMBURSEMENT OF OUT-OF-TOWN TRAVEL EXPENSES TO CITY MANAGER KEVIN D. DEFEBBO FOR ATTENDING THE 92<sup>ND</sup> IMCA ANNUAL CONFERENCE IN SAN ANTONIO, TEXAS

Summary of Municipal Order No. 2006 - 238 was read by the Assistant City Manager/City Clerk. 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 - 238 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2006 - 239

MUNICIPAL ORDER APPROVING A CONTRACT THROUGH NONCOMPETITIVE NEGOTIATIONS WITH PRECISION PRODUCTS OF LOUISVILLE, KENTUCKY UNDER THE

**KENTUCKY STATE PRICING CONTRACT FOR THE PURCHASE  
OF A TRIMBLE R8 GNSS GPS ROVER IN THE AMOUNT OF  
\$26,545.80**

Summary of Municipal Order No. 2006 - 239 was read by the Assistant City Manager/City Clerk. DeFebbo recommended the purchase to assist the Public Works, Field Engineering Division. Comm. Alcott noted that this purchase was in coordination with equipment already in place by Bowling Green Municipal Utilities (BGMU). City Surveyor Rob Evans described the equipment and its uses. 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 - 239 was approved by unanimous vote.

**MUNICIPAL ORDER NO. 2006 - 240**

**MUNICIPAL ORDER CHANGING THE SCHEDULE OF PAYMENT  
STANDARDS FOR THE SECTION 8 HOUSING VOUCHER  
PROGRAM**

Summary of Municipal Order No. 2006 - 240 was read by the Assistant City Manager/City Clerk. DeFebbo reviewed the requirement to revise payment standards based on the Department of Housing and Urban Development's (HUD) published schedule. Housing and Community Development Director Alice Burks reviewed the rate calculations for rent and mortgage payments which are provided to participants. 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 - 240 was approved by unanimous vote.

**ORDINANCE NO. BG2006 - 37**

**(First 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. DeFebbo reiterated that this item was discussed at a work session on September 19, 2006 and during the public hearing held at the beginning of this meeting. He commented about the opportunity for a public/private partnership for this project. Comm. Strow pointed out that this

project could move forward because the property owners were willing to take on a portion of the cost. Motion was made by Alcott 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 - 37 was approved by unanimous vote.

ORDINANCE NO. BG2006 - 38  
(First 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. City-County Planning Commission Director Andy Gillies reviewed the recommended rezoning and associated binding elements for an adaptive re-use of a house. He responded to questions regarding the zoning of other properties in that area. Motion was made by Simpson 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: Nash, Simpson, Strow, Alcott and Walker  
                          Voting Nay: None

First reading of Ordinance No. BG2006 - 38 was approved by unanimous vote.

NOTE: Municipal Order No. 2006 - 241 was previously approved.

ORDINANCE NO. BG2006 - 39  
(First 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. City-County Planning Commission Director Andy Gillies reviewed the recommended closing and provided an update regarding the status of Fields Way and Patton Way. 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 - 39 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2006 - 242

MUNICIPAL ORDER AUTHORIZING THE ACCEPTANCE OF A  
GRANT FROM THE GOVERNOR'S HIGHWAY SAFETY  
PROGRAM IN THE AMOUNT OF \$9,750

Summary of Municipal Order No. 2006 - 242 was read by the Assistant City Manager/City Clerk. DeFebbo indicated that this was the fourth year the City has participated in this grant program to assist with overtime traffic enforcement. Interim Police Chief Jerry Wells commented about lowering the circumstances for traffic crashes. 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 - 242 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2006 - 243

MUNICIPAL ORDER AUTHORIZING AND APPROVING THE  
DEMOLITION OF CITY-OWNED HOUSES AND/OR STRUCTURES  
LOCATED ON CENTER STREET BETWEEN SIXTH AND  
SEVENTH AVENUES PURCHASED ON BEHALF OF SOUTHERN  
KENTUCKY PERFORMING ARTS CENTER, INC. (SKyPAC)

Summary of Municipal Order No. 2006 - 243 was read by the Assistant City Manager/City Clerk. Comm. Strow expressed his concerns regarding the properties that the City purchased under contract for SKyPAC and that the structures on that property have been boarded up for a number of months. He confirmed that the appropriate historical preservation process had been followed to properly document the structures and that an archeological study would be completed once the structures were demolished. He stated that he recognized that others may have a different point of view regarding these houses, which was why he proposed to provide a 30-day delay in order to seek out anyone who might want to buy and move or salvage the houses.

Mayor Walker maintained that the community's architectural heritage would be jeopardized if the houses were demolished. She disagreed that the SKyPAC acquisitions have been delayed, but rather the delay was with the overall SKyPAC project and private investment. She further commented about other historical properties which had been restored and were now considered historical gems of the community.

John Danielson of 1110½ High Street disagreed with some of the comments made by Comm. Strow in a recent newspaper article. He inquired about the possible future use of the property if SKyPAC did not proceed and stated that something that could not be undone should not be done in 30-days. He reiterated his support of keeping the houses intact.

Chairman of the Historic Preservation Board Mark Hood of 633 East Main stated that he was in favor of holding off a little longer to see what happens with SKyPAC. He indicated that the Historic Preservation Board had planned to propose a use of the properties until SKyPAC was ready;

however, he noted that the proposal was narrowly voted down by a 4-3 vote of the SKyPAC Board. He requested more time before demolishing the houses.

In responding to a question of clarification about a proposal presented to SKyPAC, Historical Preservation Planner Robin Zeigler indicated that there was not a lot that could be done until the agreement changed between the City and SKyPAC.

Historic Preservation Board member Dorian Walker of 1303 State Street remarked that everyone was not going to agree. He indicated that there was a deception regarding any lack of interest in the houses. He requested that the City hold on to the houses until SKyPAC had a plan to build.

To provide more time to consider the matter, motion was made by Walker and seconded by Simpson to table Municipal Order No. 2006 – 243 until the middle of November and to schedule a work session with SKyPAC to discuss its time frame, projections and fund raising. A roll call vote was taken.

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

Motion to table Municipal Order No. 2006 - 243 was defeated by majority vote.

Comm. Alcott explained why he agreed to enter into the contract with SKyPAC. He pointed out that this pocket of housing was never identified in the Downtown Master Plan as an area that needed to be kept intact like some other areas had been addressed. He stated that he wanted to see the SKyPAC project succeed and that he appreciated the value of history and historical things. However, since all the processes had been followed to document the historical structures, he urged approval of the Municipal Order. Motion was made by Alcott and seconded by Strow for consideration of said Municipal Order. With no additional discussion, a roll call vote was taken.

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

Municipal Order No. 2006 - 243 was approved by majority vote.

**MUNICIPAL ORDER NO. 2006 – 244**

**MUNICIPAL ORDER AUTHORIZING THE ACCEPTANCE OF A GRANT FROM THE KENTUCKY TRANSPORTATION CABINET FOR TRANSPORTATION ENHANCEMENT FUNDS FOR THE GREENWAYS COMMISSION OF BOWLING GREEN AND WARREN COUNTY IN THE AMOUNT OF \$368,000**

Summary of Municipal Order No. 2006 - 244 was read by the Assistant City Manager/City Clerk. DeFebbo reviewed the funding award as part of a partnership with the County and Western Kentucky University to expand greenways. Greenways Coordinator Helen Siewers reviewed the use of the funds, the partnership and scope of the project. Comm. Strow thanked Ms. Siewers and Jennifer Tugas of Western Kentucky University for coordinating the project. Comm. Simpson commented about the recently marked bike lanes on 31W Bypass and Chestnut Street. 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: Nash, Simpson, Strow, Alcott and Walker  
                  Voting Nay: None  
Municipal Order No. 2006 - 244 was approved by unanimous vote.

NOTE: Municipal Order No. 2006 – 245 was previously approved.

MUNICIPAL ORDER NO. 2006 – 246

MUNICIPAL ORDER AUTHORIZING THE ACCEPTANCE OF A GRANT FROM THE KENTUCKY OFFICE OF HOMELAND SECURITY FOR THE 2006 HOMELAND SECURITY GRANT PROGRAM IN THE AMOUNT OF \$512,363.40 FOR A REGIONAL PROJECT

Summary of Municipal Order No. 2006 - 246 was read by the Assistant City Manager/City Clerk. DeFebbo reviewed the award for funding a regional project to purchase mobile data terminals (MDTs). Interim Police Chief Jerry Wells described the project and listed the sixteen other entities which will also benefit from the receipt of these funds. He noted that there was no local match required. 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 - 246 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2006 – 247

MUNICIPAL ORDER AUTHORIZING THE ACCEPTANCE OF A GRANT FROM THE KENTUCKY OFFICE OF HOMELAND SECURITY FOR THE 2006 HOMELAND SECURITY GRANT PROGRAM IN THE AMOUNT OF \$206,135 FOR THE POLICE AND FIRE DEPARTMENTS

Summary of Municipal Order No. 2006 - 247 was read by the Assistant City Manager/City Clerk. As with the previous item, Mr. DeFebbo indicated the funds would be used to purchase mobile data terminals (MDT's) for the Police and Fire Departments. Interim Police Chief Jerry Wells reviewed the grant award and the purchase of additional equipment which did not require a local match. 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: Nash, Simpson, Strow, Alcott and Walker  
                  Voting Nay: None  
Municipal Order No. 2006 - 247 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

Municipal Order No. 2006 - 248 was previously withdrawn from the agenda.

MUNICIPAL ORDER NO. 2006 - 249

MUNICIPAL ORDER APPROVING AMENDMENTS TO THE  
ADMINISTRATIVE PERSONNEL POLICY AND PROCEDURES  
MANUAL FOR CLASSIFIED EMPLOYEES

Summary of Municipal Order No. 2006 - 249 was read by the Assistant City Manager/City Clerk. DeFebbo indicated that most of the recommended changes were a matter of housekeeping and that the Manual would undergo a substantial revision in the next year. In response to a question, Human Resources Director Michele Tolbert clarified the language related to compensatory time. 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 - 249 was approved by unanimous vote.

ORDINANCE NO. BG2006 - 40

(First 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. DeFebbo reviewed the need for a budget amendment to reflect changes related to receipt of revenues. Chief Financial Officer Jeff Meisel responded to questions regarding the division of funds between the Fire Improvement Fund and the General Fund which have been and may be recovered from pursuing restitution from Davis Cooper and other parties. With no further discussion, motion was made by Alcott and seconded by Strow for first reading of said Ordinance. 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 - 40 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2006 - 250

MUNICIPAL ORDER ACCEPTING AND ADOPTING REVISIONS  
TO THE BOWLING GREEN POLICE POLICY AND PROCEDURES  
MANUAL, 2006 EDITION

Summary of Municipal Order No. 2006 - 250 was read by the Assistant City Manager/City Clerk. DeFebbo reviewed the need to periodically update the Manual. Interim Police Chief Jerry Wells outlined the various changes. With regard to the Police Department's use of volunteers to assist with parking enforcement and with a recent incident at a Code Enforcement Board (CEB) meeting where a volunteer was placed in a confrontational position to defend his actions, Comm. Nash stated that he would like to see consideration given to having a Police Officer assigned to attend CEB meetings with the volunteers. Interim Chief Wells indicated that this issue was already being addressed. He also responded to questions regarding the effectiveness of the use of tasers. 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 - 250 was approved by unanimous vote.

**ORDINANCE NO. BG2006 - 36**

(First Reading)

**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. DeFebbo indicated that this item was discussed at the October 3, 2006 work session. He explained that the primary purpose of the recommended changes was to allow for the re-ordering of the agenda by the City Manager and to implement a consent agenda. Ms. Schaller clarified the types of items recommended for consideration on a consent agenda. Comm. Strow suggested that the order of business should be adjusted to provide the ability to hear public comments just prior to consideration of the items included in the consent agenda. Motion was made by Nash and seconded by Strow to amend Ordinance No. BG2006 - 36 to change the designated "Order of Business" in section 2-2.15 by moving #5 (Public Comments) to #7 preceding consideration of #8 (Consent Agenda), and in turn changing the City Manager Comments to #5 and Approval of Minutes to #6. 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

Motion to amend Ordinance No. BG2006 - 36 to adjust the designated "Order of Business" in section 2-2.15 was approved by unanimous vote.

There was additional discussion and concern expressed regarding the ability of the City Manager to add other items not specifically listed and as he determined to the consent agenda. In order to alleviate some of the concern, Comm. Alcott urged that language be placed in the procedures to specifically require the City Clerk to inquire at each meeting whether or not any member of the Board wanted to remove an item from the consent agenda so that it could be discussed. Motion was made by Alcott and seconded by Simpson to amend Ordinance No. BG2006 - 36 to include language in section 2-2.14 (b) to require the City Clerk to make a statement requesting if any member of the

Board wanted to remove an item from the consent agenda prior to its consideration. Once all discussion ended, a roll call vote was taken.

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

Motion to amend Ordinance No. BG2006 – 36 to include language in section 2-2.14 (b) to require the City Clerk to make a statement regarding the removal of items from the consent agenda prior to its consideration was approved by unanimous vote.

Motion was made by Alcott and seconded by Nash for first reading of said Ordinance as amended. Mayor Walker asked for additional discussion, and with none, a roll call vote was taken.

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

First reading of Ordinance No. BG2006 - 36 as amended was approved by unanimous vote.

**MUNICIPAL ORDER NO. 2006 – 251**

**MUNICIPAL ORDER AUTHORIZING AND ACCEPTING BID  
#2007-10 FOR A TRIPLE COMBINATION PUMPER FROM FINLEY  
FIRE OF PIERCE MANUFACTURING, INC. OF  
MCCONNELSVILLE, OHIO IN THE AMOUNT OF \$426,052**

Summary of Municipal Order No. 2006 - 251 was read by the Assistant City Manager/City Clerk. In regard to this item and the next, Mr. DeFebbo reviewed the recommended bid awards for the purchase of two fire trucks. Interim Fire Chief Walter Jordan indicated that the older equipment would be placed in reserve with the purchase of its replacements. He also introduced the committee members responsible for preparing the specifications, evaluating the bids and recommending the awards. Deputy Fire Chief Oscar Cherry outlined the evaluation criteria and ultimate selection of the bids from Finley. Noting that the purchase of the two trucks exceeded the estimated budget amount, Comm. Alcott inquired if some savings would be achieved if full payment was made up front. Both Interim Chief Jordan and Chief Financial Officer Jeff Meisel explained the benefits to the City if the payment was held until the trucks were received. 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 - 251 was approved by unanimous vote.

**MUNICIPAL ORDER NO. 2006 – 252**

**MUNICIPAL ORDER AUTHORIZING AND ACCEPTING BID  
#2007-11 FOR A 75 FOOT QUINT APPARATUS FROM FINLEY  
FIRE OF PIERCE MANUFACTURING, INC. OF  
MCCONNELSVILLE, OHIO IN THE AMOUNT OF \$593,141**

Summary of Municipal Order No. 2006 - 252 was read by the Assistant City Manager/City Clerk. Discussion of this item was included with the consideration of the previous Municipal Order.

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 - 252 was approved by unanimous vote.

**CLOSED SESSION**

Following a brief recess to clear the Chamber, the Board of Commissioners convened in closed session pursuant to KRS 61.810 (c) and (f) as previously approved.

**ADJOURNMENT**

Once all discussion ended in closed session and there being no further business to come before the Board of Commissioners, at approximately 10:15 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 subject: review of the Internal Auditor's responsibilities and a proposed Audit Committee.

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

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

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

*Minutes prepared by Assistant City Manager/City Clerk Katie Schaller*