

**MINUTES of REGULAR MEETING
of the BOARD of COMMISSIONERS
of the CITY of BOWLING GREEN, KENTUCKY
held JANUARY 16, 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 January 16, 2007. Mayor Elaine N. Walker called the meeting to order. An invocation was given by Pastor Scott Kilgore of Living Hope 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 "Slim" Nash, Commissioner Brian K. Strow, Commissioner Bruce Wilkerson, Commissioner Joe W. Denning and Mayor Elaine N. Walker. Absent: none. There was a full quorum of the Board of Commissioners.

AWARDS & RECOGNITIONS

Public Information Coordinator Kim Lancaster recognized students from the four local high schools—Bowling Green High, Greenwood High, Warren Central High and Warren East High—for their participation in the first ever Student Solutions Program. She explained that Student Solutions was a program designed to empower high school students to get involved with City government. She further explained that a group of students from each of the high schools was given a real City issue and the students had the ability to apply their solutions to address that issue.

Police Chief Doug Hawkins recognized participants in the Bowling Green Police Department Volunteers Parking Enforcement Unit. He explained that the unit was comprised of six volunteers and was started in December 2005 as part of the Retired Seniors Volunteer Program (R.S.V.P.) created by Community Action of Southern Kentucky. He reported that these volunteers had put in over 1,600 hours and issued over 2,000 parking citations in the past thirteen months, specifically targeting handicapped and fire lane violations at various locations throughout the City limits.

CITY MANAGER

City Manager Kevin D. DeFebbo announced that the City, the City-County Planning Commission and community partners were sponsoring a series of community forums about growth in the Bowling Green area. He stated that the third and final part of the series would be held at 7:00 p.m. on Thursday, February 8, 2007 at the Sloan Convention Center and its focus would be on how to manage growth with speaker Greg Dale of McBride Dale Clarion in Cincinnati, Ohio.

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

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

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

City Manager DeFebbo stated that item number 4 (Municipal Order No. 2007 - 30) regarding travel reimbursement for Mayor Walker was withdrawn from the consent agenda and would not be considered at this time.

OPERATION P.R.I.D.E. AWARDS

Operation P.R.I.D.E. Executive Director Karen Hume said that awards are presented to those that have made significant improvements to residential and non-residential property. For the month of January, Ms. Hume presented the residential property award to Alex Chase of 1262 Magnolia Avenue. Ms. Hume then presented the commercial property award to the owners of Hilltopper BP at 1615 31W Bypass, Lola and Lee Beckman.

In addition, Ms. Hume announced a new award which was just implemented. She said that the Individual P.R.I.D.E. Award would be presented to the citizen who had done outstanding volunteer acts to show his or her pride in the community. She presented the first award to David Chapman for his efforts in picking up trash five days a week during his three-mile walks for the past nineteen years in the Cherry Hills subdivision and along Indian Hills Drive and Cemetery Road.

APPROVAL OF MINUTES

Minutes of Regular Meeting January 2, 2007

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 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: Nash, Strow, Wilkerson, Denning and Walker
 Voting Nay: None

Motion to approve the minutes of the regular meeting of January 2, 2007 was approved by unanimous vote.

PUBLIC COMMENTS

Mayor Walker opened the floor for any public comments 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. 2007 - 27

MUNICIPAL ORDER AUTHORIZING THE ACCEPTANCE OF A RECREATIONAL TRAILS PROGRAM GRANT TO THE GOVERNOR'S OFFICE FOR LOCAL DEVELOPMENT IN THE AMOUNT OF \$50,000

MUNICIPAL ORDER NO. 2007 - 28

MUNICIPAL ORDER AUTHORIZING THE APPOINTMENT AND DESIGNATION OF CITY MANAGER KEVIN D. DEFEBBO AS AGENT FOR THE CITY OF BOWLING GREEN UNDER PUBLIC LAW 93-288 IN THE EVENT OF DISASTER

MUNICIPAL ORDER NO. 2007 - 29

MUNICIPAL ORDER APPROVING A STATEWIDE EMERGENCY MANAGEMENT MUTUAL AID AND ASSISTANCE AGREEMENT WITH THE COMMONWEALTH OF KENTUCKY

MUNICIPAL ORDER NO. 2007 - 31

MUNICIPAL ORDER APPROVING THE NOMINATION OF JIMMIE GIPSON TO SERVE ON THE INTER-MODAL TRANSPORTATION AUTHORITY, INC. BOARD OF DIRECTORS AND AUTHORIZING THE SUBMISSION OF HIS NOMINATION TO THE WARREN COUNTY JUDGE EXECUTIVE

MUNICIPAL ORDER NO. 2007 - 32

MUNICIPAL ORDER APPROVING THE APPOINTMENT OF E. QUENTIN HUGHES TO THE HUMAN RIGHTS COMMISSION

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

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

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

REGULAR AGENDA

ORDINANCE NO. BG2007 - 1

(Second Reading)

ORDINANCE APPROVING APPOINTMENT TO CITY BOARD

ORDINANCE APPROVING THE APPOINTMENT OF COMMISSIONER BRIAN "SLIM" NASH TO THE BOWLING GREEN MUNICIPAL UTILITIES BOARD

Title and summary of Ordinance No. BG2007 - 1 was read by the Assistant City Manager/City Clerk. Motion was made by Strow and seconded by Wilkerson 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, Strow, Wilkerson, Denning and Walker
 Voting Nay: None

Ordinance No. BG2007 - 1 was adopted by unanimous vote.

ORDINANCE NO. BG2007 - 2

(Second Reading)

ORDINANCE AMENDING ZONING ORDINANCE

ORDINANCE AMENDING THE TEXT OF THE ZONING ORDINANCE TO CONVERT 57 PARCELS FROM VARIOUS NON-PUBLIC ZONING CLASSIFICATIONS TO P (PUBLIC) FOR THE CITY OF BOWLING GREEN, KENTUCKY AS RECOMMENDED BY THE CITY-COUNTY PLANNING COMMISSION

Title and summary of Ordinance No. BG2007 - 2 was read by the Assistant City Manager/City Clerk. Motion was made by Denning and seconded by Nash 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, Strow, Wilkerson, Denning and Walker
 Voting Nay: None

Ordinance No. BG2007 - 2 was adopted by unanimous vote.

MUNICIPAL ORDER NO. 2007 - 33

MUNICIPAL ORDER EXTENDING AGREEMENT WITH US BANK FOR BANKING SERVICES

Summary of Municipal Order No. 2007 - 33 was read by the Assistant City Manager/City Clerk. DeFebbo indicated that this agreement had been in place since 2003. He recommended the extension in order to keep the current rates for another year and to allow time for a transition to new financial software over the next year. Motion was made by Wilkerson 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, Strow, Wilkerson, Denning and Walker
 Voting Nay: None

Municipal Order No. 2007 - 33 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2007 - 34

MUNICIPAL ORDER AUTHORIZING A PROFESSIONAL SERVICES CONTRACT WITH MORGAN KEEGAN & COMPANY OF NASHVILLE, TENNESSEE AS FINANCIAL ADVISOR FOR THE ISSUANCE OF \$7,000,000 GENERAL OBLIGATION BONDS, SERIES 2007, AND OTHER SERVICES

Summary of Municipal Order No. 2007 - 34 was read by the Assistant City Manager/City Clerk. DeFebbo reviewed the use of a financial advisor with the upcoming bond issue. Chief Financial Officer Jeff Meisel clarified that the bond amount could be up to \$7,000,000. 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: Nash, Strow, Wilkerson, Denning and Walker
 Voting Nay: None

Municipal Order No. 2007 - 34 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2007 - 35

MUNICIPAL ORDER AUTHORIZING A PROFESSIONAL SERVICES CONTRACT WITH PECK, SHAFFER & WILLIAMS LLP OF COVINGTON, KENTUCKY AS BOND COUNSEL FOR THE ISSUANCE OF \$7,000,000 GENERAL OBLIGATION BONDS, SERIES 2007, AND OTHER SERVICES

Summary of Municipal Order No. 2007 - 35 was read by the Assistant City Manager/City Clerk. DeFebbo reviewed the contract for bond counsel. 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, Strow, Wilkerson, Denning and Walker
 Voting Nay: None

Municipal Order No. 2007 - 35 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2007 - 36

MUNICIPAL ORDER APPROVING A JOB DEVELOPMENT INCENTIVE FUND EMPLOYEE WITHHOLDINGS CREDIT AGREEMENT WITH HALTON GROUP AMERICAS, INC.

Summary of Municipal Order No. 2007 - 36 was read by the Assistant City Manager/City Clerk. DeFebbo reviewed the job development incentive agreement. Mayor Walker commented about the creation of higher paying jobs. Comm. Strow expressed concern with incentives being offered and agreed upon before the Board of Commissioners had approved them. Mayor Walker explained the confidential and sensitive nature of the negotiation process with businesses interested in expanding or located in the City. She also reviewed the restructured Job Development Incentive Program Committee. Chief Financial Officer Jeff Meisel stated that consideration was open to any company wanting to apply for incentives, including existing businesses, and that all offers were subject to Board approval. 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: Nash, Wilkerson, Denning and Walker
 Voting Nay: Strow

Municipal Order No. 2007 - 36 was approved by majority vote.

MUNICIPAL ORDER NO. 2007 - 37

MUNICIPAL ORDER APPROVING AND AUTHORIZING THE EXECUTION OF AN IN LIEU OF TAX PAYMENTS AGREEMENT WITH PAN-OSTON CO.

Summary of Municipal Order No. 2007 - 37 was read by the Assistant City Manager/City Clerk. DeFebbo reviewed a job development incentive agreement approved in 2004 which granted Pan-Oston an incentive of 75% of the employee withholdings generated over a five year period and exempting its real and personal property from ad valorem taxation for a five year period. He further explained that an expansion project was initiated for the company and that Warren County was issuing Industrial Development Revenue Bonds, which would exempt Pan-Oston from paying property taxes for the next 20 years. With the potential loss of revenue to the City, City Attorney Gene Harmon stated that a payment in lieu of taxes (PILOT) agreement was negotiated. Attorney Beth McKinney spoke on behalf of Pan-Oston and stated that the City's incentive played a role in the companies decision to expand. 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: Nash, Wilkerson, Denning and Walker
 Voting Nay: Strow

Municipal Order No. 2007 - 37 was approved by majority vote.

MUNICIPAL ORDER NO. 2007 - 38

MUNICIPAL ORDER AUTHORIZING AND ACCEPTING BID #2007-34 FOR VEHICLES FROM VARIOUS VENDORS IN THE TOTAL AMOUNT OF \$560,303

Summary of Municipal Order No. 2007 - 38 was read by the Assistant City Manager/City Clerk. DeFebbo recommended the bid awards for the purchase of Police and Parks vehicles. Police Chief Doug Hawkins reviewed the process undertaken to complete a critical needs assessment and the development of the bid specifications for the police vehicles. He responded to questions regarding the number of remaining non-rear wheel drive vehicles in use by Police personnel, the difference between patrol vehicles (rear-wheel drive), administration vehicles (non-rear wheel drive), the importance of rear-wheel drive vehicles in traffic and patrol, and the type of equipment included on administrative vehicles. Fleet Manager Jon Lewis responded to maintenance questions and he reviewed the purchase of the two Parks vehicles. 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, Strow, Wilkerson, Denning and Walker
 Voting Nay: None

Municipal Order No. 2007 - 38 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2007 - 39

MUNICIPAL ORDER AUTHORIZING AND ACCEPTING BID #2007-29 FOR CREEKWOOD GREENWAY PAVING, SHARED-USE

PATH FOR CREEKWOOD VILLAGE SUBDIVISION, FROM
KENWAY PAVING, LLC OF BOWLING GREEN, KENTUCKY IN
THE AMOUNT OF \$48,800

Summary of Municipal Order No. 2007 - 39 was read by the Assistant City Manager/City Clerk. DeFebbo reviewed the partnership with private developers and the donation of land to expand the greenways. Motion was made by Strow and seconded by Nash for consideration of said Municipal Order. Mayor Walker asked for additional discussion, and with none, a roll call vote was taken.

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

Municipal Order No. 2007 - 39 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2007 - 40

MUNICIPAL ORDER AUTHORIZING AND ACCEPTING BID
#2007-30 FOR RIVERFRONT PARK, PHASE IIIB PAVING, FROM
KENWAY PAVING, LLC OF BOWLING GREEN, KENTUCKY IN
THE AMOUNT OF \$58,800

Summary of Municipal Order No. 2007 - 40 was read by the Assistant City Manager/City Clerk. DeFebbo reviewed the project to pave of a pathway for greenways. 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: Nash, Strow, Wilkerson, Denning and Walker
 Voting Nay: None

Municipal Order No. 2007 - 40 was approved by unanimous vote. Comm. Wilkerson requested that a map be provided for all future paving bid considerations.

MUNICIPAL ORDER NO. 2007 - 41

MUNICIPAL ORDER APPROVING AN ASSIGNMENT OF THE
AWARD OF BID #2006-61 FOR DEMOLITION AND SITE
CLEARANCE SERVICES FROM JOHN CARTWRIGHT, D/B/A
FOUR-C EXCAVATION TO KENWAY CONTRACTING, INC.

Summary of Municipal Order No. 2007 - 41 was read by the Assistant City Manager/City Clerk. DeFebbo reviewed and recommended the reassignment of demolition services. City Attorney Gene Harmon pointed out that there were only five more months on this contract and that it would be rebid in the spring. 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, Strow, Wilkerson, Denning and Walker
 Voting Nay: None

Municipal Order No. 2007 - 41 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2007 - 42

MUNICIPAL ORDER AUTHORIZING AND ACCEPTING FORTY-EIGHT MONTH LEASE RENEWAL FOR GOLF COURSE EQUIPMENT FROM KENNEY OUTDOOR SOLUTIONS THROUGH LEASING AGENT GENERAL ELECTRIC CAPITAL CORP. OF BANNOCKBURN, ILLINOIS IN AN AMOUNT NOT TO EXCEED \$42,018.62

Summary of Municipal Order No. 2007 - 42 was read by the Assistant City Manager/City Clerk. DeFebbo reviewed and recommended the lease renewal for new equipment. 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: Nash, Strow, Wilkerson, Denning and Walker
 Voting Nay: None

Municipal Order No. 2007 - 42 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2007 - 43

MUNICIPAL ORDER APPROVING A KENTUCKY INFRASTRUCTURE AUTHORITY FEDERALLY ASSISTED WASTEWATER REVOLVING LOAN FUND CONDITIONAL COMMITMENT LETTER

Summary of Municipal Order No. 2007 - 43 was read by the Assistant City Manager/City Clerk. DeFebbo explained the requirement under state law that the funds pass through the City, but that Bowling Green Municipal Utilities (BGMU) would be responsible for the project and debt payments. BGMU General Manager Mark Iverson described the project and reiterated BGMU's responsibility for debt payment. 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: Nash, Strow, Wilkerson, Denning and Walker
 Voting Nay: None

Municipal Order No. 2007 - 43 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2007 - 44

MUNICIPAL ORDER APPROVING AND AUTHORIZING THE EXECUTION OF AN AGREEMENT FOR REALIGNMENT OF WESTEN DRIVE WITH CHRISTIAN CARE COMMUNITIES, INC.

Summary of Municipal Order No. 2007 - 44 was read by the Assistant City Manager/City Clerk. DeFebbo reviewed the project proposed to realign Westen Drive and the involvement of Campbell Lane Ventures LLC. He explained that this was the final piece for the project. Public Works Director Emmett Wood responded to questions regarding the location of a proposed sidewalk. 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.

(Minutes-Board of Commissioners-January 16, 2007)

ROLL CALL: Voting Yea: Nash, Strow, Wilkerson, Denning and Walker
 Voting Nay: None
Municipal Order No. 2007 - 44 was approved by unanimous vote.

CLOSED SESSION

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

ADJOURNMENT

Once all discussion concluded in closed session and there being no further business to come before the Board of Commissioners, at approximately 9:15 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 subjects: 1) an update of the Downtown Signalization project, including design estimates; and 2) an update of the Community Center Complex and proposed Center Street closing.

ADOPTED: _____

APPROVED: _____
Mayor, Chairman of Board of Commissioners

ATTEST: _____
City Clerk

Minutes prepared by Assistant City Manager/City Clerk Katie Schaller