

**MINUTES of SPECIAL MEETING
of the BOARD of COMMISSIONERS
of the CITY of BOWLING GREEN, KENTUCKY
held JUNE 26, 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 5:00 p.m. on June 26, 2008. Mayor Elaine N. Walker called the meeting to order. 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 withdrew item number 14 (Municipal Order No. 2008-168) regarding the sale of property located at 728 and 730 College Street for the WKU Gateway to Downtown Bowling Green Development Project from the agenda. He indicated that he thought the matter would be ready for discussion, but more time was needed to finalize the details.

REGULAR AGENDA

ORDINANCE NO. BG2008 - 32

(Second Reading)

ORDINANCE ADOPTING ANNUAL CITY BUDGET

**ORDINANCE ADOPTING THE CITY OF BOWLING GREEN,
KENTUCKY ANNUAL OPERATING BUDGET FOR FISCAL YEAR
BEGINNING JULY 1, 2008 AND ENDING JUNE 30, 2009, BY
ESTIMATING REVENUES AND APPROPRIATING FUNDS FOR
THE OPERATION OF CITY GOVERNMENT**

Title and summary of Ordinance No. BG2008 - 32 was read by the Assistant City Manager/City Clerk. Motion was made by Wilkerson 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: Strow, Wilkerson, Denning, Nash and Walker
 Voting Nay: None

Ordinance No. BG2008 - 32 was adopted by unanimous vote.

ORDINANCE NO. BG2008 - 33

(Second Reading)

ORDINANCE RELATING TO CLASSIFICATION/PAY SCHEDULE

**ORDINANCE AMENDING THE CLASSIFICATION/PAY
SCHEDULES "G" FOR GENERAL CLASSIFIED, "S" FOR
PROTECTIVE/SWORN, SCHEDULE "D" FOR DEPARTMENT
HEAD / MANAGEMENT AND THE SCHEDULE FOR**

UNCLASSIFIED PART-TIME EMPLOYEES OF THE CITY OF
BOWLING GREEN FOR FISCAL YEAR 2009

Title and summary of Ordinance No. BG2008 - 33 was read by the Assistant City Manager/City Clerk. Motion was made by Nash 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: Strow, Wilkerson, Denning, Nash and Walker
 Voting Nay: None

Ordinance No. BG2008 - 33 was adopted by unanimous vote.

ORDINANCE NO. BG2008 - 34
(Second Reading)
ORDINANCE REZONING REAL ESTATE

ORDINANCE REZONING FOUR TRACTS OF LAND CONTAINING 3.692 +/- ACRES FROM RM-3 (MULTI-FAMILY RESIDENTIAL), GB (GENERAL BUSINESS) AND HB (HIGHWAY BUSINESS) TO OP-C (OFFICE PROFESSIONAL-COMMERCIAL) AND HB (HIGHWAY BUSINESS) LOCATED AT THE INTERSECTION OF FAIRVIEW AVENUE AND RIVERWOOD AVENUE, WITH BINDING ELEMENTS, PRESENTLY OWNED BY LUCKY SEVEN, LLC

Title and summary of Ordinance No. BG2008 - 34 was read by the Assistant City Manager/City Clerk. Motion was made by Wilkerson and seconded by Denning for second reading of said Ordinance. Planning Group Manager Jonathan Britt of the City-County Planning Commission clarified a point made about traffic at the Planning Commission's hearing by one of the representing attorneys. 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

Ordinance No. BG2008 - 34 was adopted by unanimous vote.

ORDINANCE NO. BG2008 - 35
(Second Reading)
ORDINANCE REZONING REAL ESTATE

ORDINANCE REZONING A TRACT OF LAND CONTAINING 2.165 ACRES FROM HB (HIGHWAY BUSINESS) AND P (PUBLIC) TO HB (HIGHWAY BUSINESS) LOCATED ON U.S. 31W BYPASS, WITH BINDING ELEMENTS, PRESENTLY OWNED BY BOWLING GREEN-WARREN COUNTY COMMUNITY HOSPITAL CORPORATION AND PARK MEDICAL PLAZA, LLC, CONTRACT VENDEE

Title and summary of Ordinance No. BG2008 - 35 was read by the Assistant City Manager/City Clerk. Motion was made by Wilkerson and seconded by Denning for second reading of said Ordinance. Mayor Walker asked for discussion, and with none, a roll call vote was taken.

ROLL CALL: Voting Yea: Strow, Wilkerson, Denning, Nash and Walker
Voting Nay: None
Ordinance No. BG2008 - 35 was adopted by unanimous vote.

ORDINANCE NO. BG2008 - 36

(First Reading)

ORDINANCE APPROVING APPOINTMENT TO CITY BOARD

**ORDINANCE APPROVING THE REAPPOINTMENT OF ALEX
NOTTMEIER TO THE BOWLING GREEN MUNICIPAL UTILITIES
BOARD**

Title and summary of Ordinance No. BG2008 - 36 was read by the Assistant City Manager/City Clerk. Motion was made by Nash and seconded by Wilkerson for first reading of said Ordinance. Mayor Walker specified that appointments made to the BGMU Board required two readings, which was why it was presented as an ordinance. She 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 - 36 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2008 - 161

**MUNICIPAL ORDER APPROVING APPROPRIATIONS FOR
VARIOUS CITY CREATED/CONTRACT AGENCIES FOR FISCAL
YEAR 2009**

Summary of Municipal Order No. 2008 - 161 was read by the Assistant City Manager/City Clerk. Motion was made by Nash and seconded by Wilkerson for consideration of said Municipal Order. DeFebbo reviewed the Board's policy regarding agency funding for contracted agencies, which were included in the City Manager's budget recommendations. 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 - 161 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2008 - 162

**MUNICIPAL ORDER APPROVING APPROPRIATIONS FOR
VARIOUS AGENCIES PURSUANT TO COMPETITIVE PROPOSALS
FOR FISCAL YEAR 2009**

Summary of Municipal Order No. 2008 - 162 was read by the Assistant City Manager/City Clerk. Motion was made by Wilkerson and seconded by Strow for consideration of said Municipal Order. In response to a question from Comm. Denning, Ms. Schaller informed the Board that a portion of the funds not needed by the Drug Task Force was used to increase the amount of money

allocated to VSA Arts of Kentucky as approved at the previous meeting. She reported that the remaining balance of \$15,800 was placed in contingency.

Comm. Denning made a motion to amend Municipal Order No. 2008 - 162, seconded by Walker, to use a portion of the funds not needed by the Drug Task Force to provide \$5,000 to the Southern Kentucky Chapter of the American Red Cross. There was discussion regarding whether this agency was considered a United Way eligible agency in accordance with the City's funding policy, since it was told by United Way that it would not continue to receive funding after June 30, 2008. Mayor Walker indicated that the City's policy needs to be looked at again and that since the Red Cross was told it could not receive funding from United Way, it should not be categorized as a United Way eligible agency. Comm. Nash expressed concern with changing the policy in the middle of the process since other United Way eligible, but not funded, agencies were not given the same consideration for funding. Comm. Wilkerson also expressed concern about a policy change midstream. He welcomed any ideas about how to revise the agency funding process in the future.

Executive Director Jennifer Capps of the Southern Kentucky Chapter of the American Red Cross responded to questions and thanked the Board for its consideration.

Comm. Strow agreed that the process should not be changed midstream. He commented that the process was set up as a way to take the decision making out of the hands of politicians by giving United Way the ability to make the call. Mayor Walker stated that she would be introducing a Municipal Order at a later date to clarify the issue. Once all discussion ended, a roll call vote was taken on the motion to amend.

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

Motion to amend Municipal Order No. 2008 - 162 to add funding for the American Red Cross was defeated by majority vote.

Mayor Walker made a motion, seconded by Denning, to amend Municipal Order No. 2008 - 162 to provide \$15,800 to Bowling Green/Warren County Emergency Management Services. Ronnie Pearson, Director of Emergency Management Services, responded to questions about recent cuts to its budget by the County and reduced State funds. He asked the Board to consider adding Emergency Management as a contract agency in the future. Once all discussion ended, a roll call vote was taken on the amendment.

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

Motion to amend Municipal Order No. 2008 - 162 to add funding for Emergency Management Services was defeated by majority vote. With no further discussion, a roll call vote was taken on the Municipal Order as originally presented for consideration.

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

Municipal Order No. 2008 - 162 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2008 - 163

**MUNICIPAL ORDER AUTHORIZING CONTINUATION OF AN
AGREEMENT WITH PARK STREET PARTNERS D/B/A**

URGENTCARE AND CORPCARE TO PROVIDE EMPLOYEE
MEDICAL SERVICES (PHYSICALS AND MEDICAL TESTING)
FOR FISCAL YEAR 2009

Summary of Municipal Order No. 2008 - 163 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 recommended approval of the second year of the contract for testing services. Human Resources Director Michele Tolbert responded to a question about random drug testing services. 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 - 163 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2008 - 164

MUNICIPAL ORDER AUTHORIZING THE CONTINUATION OF
AN AGREEMENT WITH HUMANA RELATING TO MANAGED
HEALTH CARE AND CLAIMS ADMINISTRATION SERVICES
AND AN AGREEMENT WITH THE STANDARD INSURANCE
COMPANY TO PROVIDE LIFE, ACCIDENTAL DEATH AND
DISMEMBERMENT BENEFITS FOR FISCAL YEAR 2009

Summary of Municipal Order No. 2008 - 164 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 recommended approval of the second year of the two agreements. 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 - 164 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2008 - 165

MUNICIPAL ORDER RESCINDING MUNICIPAL ORDER NO.
2007-121 ACCEPTING BID FOR POLICE DIGITAL IN-CAR VIDEO
SYSTEM FROM MOBILE COMMUNICATIONS AND APPROVING
RELEASE AND SETTLEMENT AGREEMENT

Summary of Municipal Order No. 2008 - 165 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 explained that the equipment was unable to meet the needs of the Police Department. He noted that no funds had been expended to date and that those funds would remain set aside while a search for a new vendor was completed. Mayor Walker commented about oversight of this contract and the due diligence with making sure the product worked properly. She 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 - 165 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2008 - 166

MUNICIPAL ORDER ACCEPTING THE INTER-MODAL
TRANSPORTATION AUTHORITY, INC. FISCAL YEAR 2009
OPERATING BUDGET AND FINANCIAL STATEMENTS ENDING
JUNE 30, 2007

Summary of Municipal Order No. 2008 - 166 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 stated that this information had been presented to the Board at its previous work session. 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 - 166 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2008 - 167

MUNICIPAL ORDER AUTHORIZING FINANCIAL ASSISTANCE
TO FRIENDS OF L&N DEPOT, INC. TO MAKE IMPROVEMENTS
TO THE HISTORIC L&N DEPOT AT A COST NOT TO EXCEED
\$42,000

Summary of Municipal Order No. 2008 - 167 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 reminded the Board of the City's collaboration with the County in sharing costs for capital needs at the Depot. He also stated that the request for assistance was discussed at the June 17, 2008 work session. Friends of L&N Depot Director Sharon Tabor responded to some questions about the HVAC system and its maintenance schedule. 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 - 167 was approved by unanimous vote.

ORDINANCE NO. BG2008 - 37

(First Reading)

ORDINANCE RELATING TO BUDGET AMENDMENT

ORDINANCE APPROVING AMENDMENT NUMBER THREE TO
THE CITY OF BOWLING GREEN, KENTUCKY ANNUAL
OPERATING BUDGET FOR FISCAL YEAR 2008

Title and summary of Ordinance No. BG2008 - 37 was read by the Assistant City Manager/City Clerk. Motion was made by Wilkerson and seconded by Strow for first reading of said Ordinance. DeFebbo noted that updates to the budget were periodically needed and he recommended approval of the third amendment to the Fiscal Year 2008 Operating Budget. 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 - 37 was approved by unanimous vote.

NOTE: Municipal Order No. 2008 – 168 was previously withdrawn from consideration.

MUNICIPAL ORDER NO. 2008 – 169

MUNICIPAL ORDER APPROVING AN AMENDED AND RESTATED PROPERTY ACQUISITION AGREEMENT AMONG THE CITY OF BOWLING GREEN, SOUTHERN KENTUCKY PERFORMING ARTS CENTER, INC. AND WARREN COUNTY DOWNTOWN ECONOMIC DEVELOPMENT AUTHORITY, INC.

Summary of Municipal Order No. 2008 - 169 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 reported that this agreement represented changes discussed over the past several weeks. City Attorney Gene Harmon reviewed the existing property acquisition agreement approved in 2005. He outlined the changes which provided for the release of certain properties from the agreement in exchange for which SKyPAC would be provided 150 parking spaces in the new parking garage for a certain number of events over the next 20 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
 Municipal Order No. 2008 - 169 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 5:35 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