

**MINUTES of REGULAR MEETING
of the BOARD of COMMISSIONERS
of the CITY of BOWLING GREEN, KENTUCKY
held OCTOBER 2, 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 October 2, 2007. Mayor Elaine N. Walker called the meeting to order. An invocation was given by Fire Chief Greg Johnson, 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 Bruce Wilkerson, Commissioner Joe W. Denning, Commissioner Brian "Slim" Nash, Commissioner Brian K. Strow and Mayor Elaine N. Walker. Absent: none. There was a full quorum of the Board of Commissioners.

AWARDS & RECOGNITIONS

Mayor Walker recognized Janet Hill from Modern Woodmen of America, who presented the City with seven U.S. Flags to be flown at City parks. Parks and Recreation Department Director Ernie Gouvas and the Mayor accepted the gifts.

CITY MANAGER

City Manager Kevin D. DeFebbo withdrew item number 15 (Municipal Order No. 2007 - 310) regarding acceptance of street maintenance for Olde Stone Way in Olde Stone Subdivision from the agenda. He also requested a closed session for the purpose of discussion about pending litigation against the City, and for discussion concerning a specific proposal, as open discussion would jeopardize the siting, retention, expansion or upgrading of the business. Motion was made by Wilkerson and seconded by Nash to convene in closed session following the regular meeting pursuant to KRS 61.810 (c) and (g). Walker called for roll call vote.

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

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

APPROVAL OF MINUTES

Minutes of Regular Meeting September 18, 2007 and Special Meeting September 24, 2007

Minutes of the above-referenced meetings were distributed to the Board of Commissioners with the Agenda for their review. Motion was made by Nash and seconded by Wilkerson to approve said minutes as written. Mayor Walker asked for discussion, and with none, a roll call vote was taken.

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

Motion to approve the minutes of the regular meeting of September 18, 2007 and special meeting of September 24, 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 the one item listed was to be removed from the Consent Agenda prior to its consideration. With no objection, Assistant City Manager/City Clerk Katie Schaller read the summary of the following item:

MUNICIPAL ORDER NO. 2007 - 298

MUNICIPAL ORDER AUTHORIZING THE SUBMISSION OF A RENAISSANCE ON MAIN GRANT APPLICATION TO THE GOVERNOR'S OFFICE FOR LOCAL DEVELOPMENT IN THE AMOUNT OF \$150,000

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

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

REGULAR AGENDA

ORDINANCE NO. BG2007 - 42
(Second Reading)

ORDINANCE RELATING TO PROPERTY TAX RATES

ORDINANCE SETTING 2007 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. BG2007 - 42 was read by the Assistant City Manager/City Clerk. Motion was made by Wilkerson 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: Wilkerson, Denning, Nash, Strow and Walker
Voting Nay: None

Ordinance No. BG2007 - 42 was adopted by unanimous vote.

MUNICIPAL ORDER NO. 2007 - 299

MUNICIPAL ORDER APPROVING THE PROBATIONARY APPOINTMENT OF MARCUS JEROME BARNETT TO THE POSITION OF BUSINESS LICENSE ASSOCIATE IN THE FINANCE DEPARTMENT, LICENSE DIVISION

Summary of Municipal Order No. 2007 - 299 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 the approval of an applicant to fill a newly created position to assist with revenue collections. Mayor Walker asked for additional discussion, and with none, a roll call vote was taken.

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

Municipal Order No. 2007 - 299 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2007 – 300

MUNICIPAL ORDER APPROVING THE PROMOTIONS OF MARK ANTHONY PAGE AND MELVIN EARL NORRIS TO THE POSITION OF FIRE APPARATUS OPERATOR/EMT IN THE FIRE DEPARTMENT

Summary of Municipal Order No. 2007 - 300 was read by the Assistant City Manager/City Clerk. Motion was made by Wilkerson and seconded by Nash for consideration of said Municipal Order. Fire Chief Greg Johnson reviewed the qualifications for each recommended promotion. Mayor Walker asked for additional discussion, and with none, a roll call vote was taken.

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

Municipal Order No. 2007 - 300 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2007 – 301

MUNICIPAL ORDER APPROVING THE PROMOTION OF LORI ANN COOPER TO THE POSITION OF COMMUNICATIONS CENTER SUPERVISOR IN THE POLICE DEPARTMENT

Summary of Municipal Order No. 2007 - 301 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 a new position was created in the Fiscal Year 2008 budget process to address an increased demand in the Communications Division. Police Chief Doug Hawkins recommended the promotion. Mayor Walker asked for additional discussion, and with none, a roll call vote was taken.

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

Municipal Order No. 2007 - 301 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2007 – 302

MUNICIPAL ORDER APPROVING THE PROBATIONARY APPOINTMENT OF RODNEY HAROLD MCGAUGHEY TO THE POSITION OF PROJECT MANAGER IN THE PUBLIC WORKS DEPARTMENT

Summary of Municipal Order No. 2007 - 302 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 of the recommended applicant. He noted that the advertisement was initially for a Project Manager II. However, due to a lack of qualified candidates at that level, the position was down graded to a Project Manager, including a pay grade adjustment to correspond. Mayor Walker asked for additional discussion, and with none, a roll call vote was taken.

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

Municipal Order No. 2007 - 302 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2007 – 303

MUNICIPAL ORDER APPROVING THE PROBATIONARY APPOINTMENT OF JULIE J. STORM TO THE POSITION OF OFFICE ASSOCIATE IN THE FINANCE DEPARTMENT, TREASURY DIVISION

Summary of Municipal Order No. 2007 - 303 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 indicated that the Finance Department was continuing its reorganization efforts and reclassified a previously vacated position. He reviewed the qualifications of the recommended applicant. Mayor Walker asked for additional discussion, and with none, a roll call vote was taken.

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

Municipal Order No. 2007 - 303 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2007 – 304

MUNICIPAL ORDER APPROVING AN AGREEMENT WITH SHULMAN, ROGERS, GANDAL, PORDY AND ECKER, P.A. RELATED TO RE-BANDING NEGOTIATIONS WITH NEXTEL COMMUNICATIONS

Summary of Municipal Order No. 2007 - 304 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 need to address an issue with communication line interference and he recommended the agreement to hire consultants to negotiate with Nextel on the City's behalf. He also noted that Nextel would be responsible for paying the bills as part of the Federal Communication Commission (FCC) regulations. Mayor Walker asked for additional discussion, and with none, a roll call vote was taken.

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

Municipal Order No. 2007 - 304 was approved by unanimous vote.

ORDINANCE NO. BG2007 – 43
(First Reading)

ORDINANCE APPROVING AMENDED AND RESTATED INTERLOCAL COOPERATION AGREEMENT RELATED TO THE INTER-MODAL COMMERCE AND DISTRIBUTION CENTER AND INDUSTRIAL PARK

ORDINANCE AUTHORIZING THE EXECUTION OF AN AMENDED AND RESTATED INTERLOCAL COOPERATION AGREEMENT AMONG THE CITY OF BOWLING GREEN, WARREN COUNTY, THE INTER-MODAL TRANSPORTATION AUTHORITY, INC. AND THE SOUTHERN KENTUCKY REGIONAL DEVELOPMENT AUTHORITY RELATED TO THE DEVELOPMENT, PROMOTION, ACQUISITION, DESIGN, CONSTRUCTION, OPERATION, MANAGEMENT AND/OR FINANCING OF AN INTER-MODAL COMMERCE AND DISTRIBUTION CENTER AND INDUSTRIAL PARK

Title and summary of Ordinance No. BG2007 - 43 was read by the Assistant City Manager/City Clerk. Motion was made by Wilkerson and seconded by Denning for first reading of said Ordinance. DeFebbo reviewed the Inter-Modal Transportation Authority's (ITA) request for refinancing of its debt with City issued general obligation (GO) bonds, which was discussed during a work session at a special meeting on September 24, 2007. Mr. DeFebbo and Chief Financial Officer Jeff Meisel responded to questions regarding the risk exposure of placing the City's full faith and credit behind the refinancing, the different projections calculated under differing scenarios of success by the ITA, the requirement for multiple bond issues to cover balloon payments expected in 2009, 2011 and 2014 under the current financing structure, the unpredictability of interest rates in the future with multiple bond issues, and the potential of the City and County to be called upon to cover any shortfalls in debt payments if land sales and wage assessments are not collected as projected.

Comm. Strow expressed concern regarding the increased risk to the taxpayer with the County's limited obligation and opt-out clause beyond the first year of the revised agreement. He indicated that he preferred the current financing structure as it would cost less in debt repayment in the long-term.

Comm. Nash commented about his initial concerns when the Transpark was proposed and the change in his opinion of it now. He acknowledged that the City had enough cash to sustain the current debt; however, he was concerned about the County's ability to cover debt under its current circumstances. He pointed out that if the County had to raise taxes to cover its share of any balloon payments, the increased taxes could impact all County residents, including the City taxpayers. He stated that he was in support of the refinancing to provide every opportunity for the ITA to be successful.

Comm. Wilkerson indicated that he had looked at all the information and understood the potential for greater risk to the City. He continued that based on his best judgment, the GO bond issue provided a better opportunity for the ITA to manage its cash flow more effectively and to allow time for the land sales and wage assessments to be generated, which revenues would be used to make debt payments. He also noted that the City received the most benefit from the marketability and success of the Transpark.

Comm. Denning referred to the City's involvement with a GO bond issue at the request of Western Kentucky University in 2001 and its comparison to the ITA refinancing request. Since there was no way to know how many jobs could be created with all the land sales in the Transpark, he stated that it was in the best interest of Bowling Green and its citizens to support the efforts of the ITA and to issue the bonds. He also pointed out that with the City's reliance on the occupational license fee, it was to its benefit to attract new jobs to the area.

Mayor Walker described the progression over the past several months of the City's involvement with this request and the directive to staff to provide a scenario that minimized risk to citizens. She asserted that the ITA had a better likelihood of covering the debt payments of a GO bond issue over a longer period of time versus the immediate balloon payments forthcoming. With regard to Warren County's involvement, Mayor Walker read a statement from Judge Executive Michael Buchanon declaring its support and commitment to share in any future potential debt shortfalls of the ITA under the new financing structure.

Following additional discussion regarding the ability of the ITA to make debt payments and the increased risk to the City with issuance of GO bonds, a roll call vote was taken.

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

First reading of Ordinance No. BG2007 - 43 was approved by majority vote.

MUNICIPAL ORDER NO. 2007 – 305

MUNICIPAL ORDER AUTHORIZING AND ACCEPTING BID #2008-13 FOR HP PRINTER REPLACEMENTS FROM JBK NETWORK CONSULTING, LTD. OF BOWLING GREEN, KENTUCKY IN THE AMOUNT OF \$26,265.89

Summary of Municipal Order No. 2007 - 305 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 funds were budgeted to replace approximately eleven printers across departments and he recommended the bid award. Mayor Walker asked for additional discussion, and with none, a roll call vote was taken.

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

Municipal Order No. 2007 - 305 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2007 – 306

MUNICIPAL ORDER APPROVING A CONTRACT THROUGH NONCOMPETITIVE NEGOTIATIONS WITH MOTOROLA, INC. OF CHARLOTTE, NORTH CAROLINA UNDER THE KENTUCKY STATE PRICING CONTRACT FOR THE PURCHASE OF FIFTY PORTABLE RADIOS IN THE TOTAL AMOUNT OF \$87,935

Summary of Municipal Order No. 2007 - 306 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 purchase to provide a radio for every on-duty firefighter and recommended the bid award. Mayor Walker asked for additional discussion, and with none, a roll call vote was taken.

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

Municipal Order No. 2007 - 306 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2007 – 307

MUNICIPAL ORDER AUTHORIZING AND ACCEPTING BID #2008-16 FOR SIDEWALK DESIGN FROM LANDMARK ENGINEERING, INC. OF BOWLING GREEN, KENTUCKY IN THE AMOUNT OF \$55,900

Summary of Municipal Order No. 2007 - 307 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 one of the City's major priorities was to install sidewalks to create a more walkable community and he recommended the bid award. Public Works Director Emmett Wood responded to a question about outsourcing this kind of design versus bringing someone in-house. He also confirmed that the City was coordinating sidewalk improvements on Regents Avenue with Western Kentucky University. Mayor Walker asked for additional discussion, and with none, a roll call vote was taken.

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

Municipal Order No. 2007 - 307 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2007 – 308

MUNICIPAL ORDER AUTHORIZING CHANGE ORDER NUMBER ONE TO THE CONTRACT WITH SCOTT & MURPHY, INC. FOR CIRCUS SQUARE PARK AND FURTHER AUTHORIZING DIRECT PURCHASES OF MATERIALS FOR THIS PROJECT

Summary of Municipal Order No. 2007 - 308 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 recommended change order to address a drainage design issue that was recently discovered and the ability for the City to directly purchase materials in order to save money. He also reported that a previous change order related to the fountain was approved administratively. Public Works Director Emmett Wood commented that the drainage issue would have had to be addressed at some point regardless of this project. He also mentioned that a stormwater study was planned to be conducted in the downtown area next year. Mayor Walker asked for additional discussion, and with none, a roll call vote was taken.

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

Municipal Order No. 2007 - 308 was approved by majority vote. Comm. Denning abstained since he was employed by Scott & Murphy, Inc.

MUNICIPAL ORDER NO. 2007 - 309

MUNICIPAL ORDER APPROVING CONSTRUCTION AND
ACCEPTING MAINTENANCE OF VARIOUS STREETS IN
FIELDSTONE FARMS SUBDIVISION SECTIONS 2 AND 3

Summary of Municipal Order No. 2007 - 309 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 recommended the acceptance as it met all requirements. Mayor Walker asked for additional discussion, and with none, a roll call vote was taken.

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

Municipal Order No. 2007 - 309 was approved by unanimous vote.

NOTE: Municipal Order No. 2007 - 310 was previously withdrawn from consideration.

ORDINANCE NO. BG2007 - 44

(First Reading)

ORDINANCE RENAMING STREET

ORDINANCE APPROVING THE RENAMING OF A PORTION OF
6TH AVENUE TO VETERANS MEMORIAL LANE

Title and summary of Ordinance No. BG2007 - 44 was read by the Assistant City Manager/City Clerk. Motion was made by Wilkerson and seconded by Nash for first reading of said Ordinance. DeFebbo recommended the renaming to reduce confusion. Mayor Walker asked for additional discussion, and with none, a roll call vote was taken.

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

First reading of Ordinance No. BG2007 - 44 was approved by unanimous vote.

ORDINANCE NO. BG2007 - 45

(First Reading)

ORDINANCE REZONING REAL ESTATE

ORDINANCE REZONING A TRACT OF LAND CONTAINING
0.671 ACRE FROM RS-1A (SINGLE FAMILY RESIDENTIAL) TO
OP-C (OFFICE PROFESSIONAL-COMMERCIAL) LOCATED AT
1120 SOUTH PARK DRIVE, WITH BINDING ELEMENTS,
PRESENTLY OWNED BY WILMA AVERY AND 1136 SOUTH
PARK, LLC, AS CONTRACT VENDEE

Title and summary of Ordinance No. BG2007 - 45 was read by the Assistant City Manager/City Clerk. Motion was made by Wilkerson and seconded by Strow for first reading of said Ordinance. City-County Planning Commission Director Steve Hunter reviewed the recommended rezoning and its associated binding elements, which included the development of an office building.

He also responded to questions regarding the ingress and egress locations proposed for the development. Mayor Walker asked for additional discussion, and with none, a roll call vote was taken.

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

First reading of Ordinance No. BG2007 - 45 was approved by unanimous vote.

ORDINANCE NO. BG2007 - 46

(First Reading)

ORDINANCE AMENDING CODE OF ORDINANCES

ORDINANCE REPEALING SUBCHAPTER 9-5 (GASOLINE AND DIESEL FUEL PURCHASES) RELATED TO PREPAYMENT FOR FUEL PURCHASES IN CHAPTER 9 (CRIMES AND OFFENSES) OF THE CITY OF BOWLING GREEN CODE OF ORDINANCES

Title and summary of Ordinance No. BG2007 - 46 was read by the Assistant City Manager/City Clerk. Motion was made by Strow. However, there was no second to the motion and no discussion or action taken.

Comm. Wilkerson proposed that a complete review of the Code of Ordinances be conducted to eliminate any inconsistencies and he volunteered to lead a committee to do just that. Mayor Walker suggested the formation of a taskforce, which would include citizen involvement. Ms. Schaller explained that state statute requires a review of the Code of Ordinances every five years to determine compliance with state laws and that one was planned to occur in the next budget year. However, she noted that the process could begin sooner and in conjunction with Mr. Wilkerson's request. Mr. DeFebbo requested clarification regarding whether the Board wanted the review of local specific public policy and/or program evaluation to see if such policies still made sense. Mayor Walker requested that the City Manager come up with a structure to review the Code of Ordinances and to present that to the Board. Mr. DeFebbo agreed to look at both the local review and re-codification process and to provide a recommendation about how to proceed.

There was also discussion about including a review of the Zoning Ordinance. However, it was suggested by City-County Planning Commission Director Steve Hunter that its review be done separately as it would be a considerable undertaking.

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) and (g) 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 9:05 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: presentation by Atmos Energy; 2) update regarding the City's health insurance; and 3) proposed annexation in the area of Edward Drive and Cedarwood Way. With regard to Atmos Energy's (formerly Western Kentucky Gas) franchise agreement which expires in February 2008, the Board requested that the City Manager bring forward a staff recommendation at an upcoming meeting for its consideration. In addition, the Board agreed to have staff proceed with an ordinance for consideration regarding the annexation of properties with an Edward Drive and Cedarwood Way address and to have staff contact other property owners in the area off Cheyenne Court and Meadowwood Lane regarding annexation.

ADOPTED: _____

APPROVED: _____
Mayor, Chairman of Board of Commissioners

ATTEST: _____
City Clerk

Minutes prepared by Assistant City Manager/City Clerk Katie Schaller