

**MINUTES of REGULAR MEETING
of the BOARD of COMMISSIONERS
of the CITY of BOWLING GREEN, KENTUCKY
held DECEMBER 19, 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 December 19, 2006. Mayor Elaine N. Walker called the meeting to order. An invocation was given by Mayor Walker, 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 Mark D. Alcott, Commissioner Brian "Slim" Nash, Commissioner Delane Simpson and Mayor Elaine N. Walker. Absent: none. There was a full quorum of the Board of Commissioners.

RECOGNITIONS

Mayor Walker recognized the newest members of the Fire Department who were sworn in just prior to the start of this meeting.

PUBLIC COMMENTS

Mayor Walker opened the floor for any public comments and there were none.

CITY MANAGER

City Manager Kevin D. DeFebbo requested a closed session for the purpose of discussion on the future acquisition of real property by the City as publicity would likely affect the value of the specific piece of property to be acquired for public use and for discussion of proposed litigation on behalf of the City. Motion was made by Nash and seconded by Alcott to convene in closed session following the regular meeting pursuant to KRS 61.810 (b) and (c). Walker called for roll call vote.

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

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

APPROVAL OF MINUTES

Minutes of Regular Meeting December 5, 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 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: Strow, Alcott, Nash, Simpson and Walker
 Voting Nay: None

Motion to approve the minutes of the regular meeting of December 5, 2006 was approved by unanimous vote.

REMOVE FROM TABLE

Motion was made by Nash and seconded by Strow to remove Municipal Order No. 2006 – 289 from the table for discussion and consideration at this time. With no discussion, a roll call vote was taken.

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

Motion to remove Municipal Order No. 2006 – 289 from the table for consideration at this time was approved by unanimous vote.

MUNICIPAL ORDER NO. 2006 – 289

MUNICIPAL ORDER AUTHORIZING EXECUTION OF
AMENDMENT TO DOWNTOWN REDEVELOPMENT
AGREEMENT RELATED TO THE BOWLING GREEN AREA
CHAMBER OF COMMERCE HEADQUARTERS BUILDING AND
AUTHORIZING TERMINATION OF LEASE AGREEMENT WITH
SAMUEL KIRTLEY, JR. FOR PROPERTY LOCATED AT 728 AND
730 COLLEGE STREET

Summary of Municipal Order No. 2006 – 289 was read by the Assistant City Manager/City Clerk. Downtown Redevelopment Authority (DRA) Executive Director Cheryl Blaine provided some additional information regarding concerns voiced at the December 5, 2006 Board of Commissioners meeting regarding the use of the Kirtley property. She also provided a map which reflected a redesigned mid-block parking with 34 spaces, but noted that there was a lot elevation difference which was of concern. She also reiterated her concern with being able to sell the remaining developable property on State Street with a parking lot already in place.

Commissioners Strow and Nash expressed concern with not having concrete answers to some of the issues such as the affect on the property values, whether the Kirtley building shared a wall with a neighboring building and that no one had asked if Rick Kelley (owner of the neighboring building and of an adjacent parking lot) was interested in selling his property.

Bowling Green Area Chamber of Commerce Board Chairman Rick Kelley commented about the likelihood of a shared wall and corrected a statement from the last meeting that the Chamber would not accept responsibility for any damages during demolition of the Kirtley building. He also stated that he would not be interested in selling his personal property at this time.

There was further discussion regarding the anticipated long term use of the State Street tract of property, the Planning Commissions' requirements for parking with new developments, the Chamber of Commerce's position on temporary or gravel parking and the Chamber's expectations. Mr. Kelley indicated that the Chamber expected the City to fulfill its obligation to provide parking with regard to the agreement, but that the exact location of the parking lot within the block was not as much of a concern.

Comm. Alcott supported putting Mr. Kirtley on notice, but did not agree with using that property as a parking lot at this time. He indicated that he would rather see the parking lot located in

the center of the block off the alley. Mayor Walker disagreed and expressed concern with the potential of hampering future opportunities with the developable property. She indicated that the City had one chance to do it right and that there were still a number of unanswered questions.

Comm. Strow stated that the City should fulfill its written contract with the Chamber. However, in reference to a new proposal for development not yet approved, he noted that parking was indicated on both sides of the alley. Comm. Alcott made a motion (which was not seconded) to amend the Municipal Order to change the parking to the center of the alley similar to the unapproved conceptual plan referenced by Comm. Strow and to give Mr. Kirtley notice. City Attorney Gene Harmon stated he had concerns with giving Mr. Kirtley notice without having any definite purpose for the use of his property at this time and suggested that the two issues be divided into separate actions by the Board.

Upon request for clarification by Comm. Nash, Mr. Harmon noted that the Municipal Order as presented could be voted down (defeated), tabled indefinitely or withdrawn from consideration. As sponsor of Municipal Order No. 2006 - 289, City Manager Kevin DeFebbo withdrew the item from further consideration.

Mr. Harmon stated he would work with DRA regarding a plan for the use of the Kirtley property.

MUNICIPAL ORDER NO. 2006 - 290 (301)

MUNICIPAL ORDER AUTHORIZING AN AGREEMENT
BETWEEN THE CITY OF BOWLING GREEN AND THE HOUSING
FUND INC.

Summary of Municipal Order No. 2006 - ~~290~~ (301) was read by the Assistant City Manager/City Clerk. DeFebbo reviewed and recommended approval of the agreement that would assist with bringing more homeowners to Bowling Green. Mayor Walker pointed out that the City had previously approved funding as it related to homeownership with the Community Development Block Grant (CDBG) Action Plan. In addition, she mentioned a new initiative by local banks to encourage homeownership. Housing and Community Development Director Alice Burks responded to questions regarding the agreement and involvement by the Housing Authority and HANDS. Motion was made by Simpson 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: Strow, Alcott, Nash, Simpson and Walker

Voting Nay: None

Municipal Order No. 2006 - ~~290~~ (301) was approved by unanimous vote. **Inadvertently used Municipal Order No. 2006 - 290 twice and renumbered to Municipal Order No. 2006 - 301.**

MUNICIPAL ORDER NO. 2006 - 291

MUNICIPAL ORDER APPROVING AND AUTHORIZING
EXECUTION OF AN ENGAGEMENT LETTER WITH TAFT,
STETTINIUS & HOLLISTER LLP FOR LEGAL AND
CONSULTATION SERVICES TO THE CITY OF BOWLING GREEN

RELATED TO INCENTIVES, NEGOTIATIONS AND CONTRACT DEVELOPMENT FOR DOWNTOWN REDEVELOPMENT ACTIVITIES

Summary of Municipal Order No. 2006 - 291 was read by the Assistant City Manager/City Clerk. DeFebbo explained that with the downtown redevelopment efforts underway, it was important to have someone on hand that was familiar with the processes to assist the City and the Downtown Redevelopment Authority (DRA). 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: Strow, Alcott, Nash, Simpson and Walker
 Voting Nay: None

Municipal Order No. 2006 - 291 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2006 - 292

MUNICIPAL ORDER AUTHORIZING TERMINATION OF LEASE AGREEMENT WITH HOUSING ASSISTANCE AND DEVELOPMENT SERVICES, INC. RELATED TO 327 CHURCH STREET

Summary of Municipal Order No. 2006 - 292 was read by the Assistant City Manager/City Clerk. DeFebbo indicated that this property was formerly used as a police substation, but was no longer needed by the City. 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: Strow, Alcott, Nash, Simpson and Walker
 Voting Nay: None

Municipal Order No. 2006 - 292 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2006 - 293

MUNICIPAL ORDER APPROVING THE PROMOTIONS OF JOHN FRANKLIN WEATHERBEE TO THE POSITION OF DEPUTY CHIEF; EDWARD LAYNE MOODY TO THE POSITION OF ASSISTANT CHIEF-PREVENTION; GREGORY GENE ELROD TO THE POSITION OF ASSISTANT CHIEF-SUPPRESSION; BRIAN D. O'CALLAGHAN AND CHRISTOPHER TODD BARNARD TO THE POSITION OF COMPANY COMMANDER/EMT; AND TIMOTHY WAYNE BUCHANON AND TRACEY SHANNON KENNEY TO THE POSITION OF FIRE APPARATUS OPERATOR/EMT IN THE FIRE DEPARTMENT

Summary of Municipal Order No. 2006 - 293 was read by the Assistant City Manager/City Clerk. DeFebbo reviewed the recommended promotions. Fire Chief Greg Johnson recognized each of the individuals recommended for promotion who were in attendance. 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: Strow, Alcott, Nash, Simpson and Walker
Voting Nay: None

Municipal Order No. 2006 - 293 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2006 – 294

**MUNICIPAL ORDER AUTHORIZING THE EXECUTION OF A
GRANT OF EASEMENT FROM MERCANTILE OPERATIONS,
INC. RELATED TO GREENBELT PURPOSES**

Summary of Municipal Order No. 2006 - 294 was read by the Assistant City Manager/City Clerk. DeFebbo reviewed the collaboration between public and private parties to extend a part of the greenways system. 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: Strow, Alcott, Nash, Simpson and Walker
Voting Nay: None

Municipal Order No. 2006 - 294 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2006 – 295

**MUNICIPAL ORDER APPROVING THE PROMOTION OF
THEODORE LYNDEL WEBB TO THE POSITION OF ELECTRICAL
INSPECTOR IN THE HOUSING AND COMMUNITY
DEVELOPMENT DEPARTMENT**

Summary of Municipal Order No. 2006 - 295 was read by the Assistant City Manager/City Clerk. DeFebbo reviewed the qualifications of the recommended promotion. 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: Strow, Alcott, Nash, Simpson and Walker
Voting Nay: None

Municipal Order No. 2006 - 295 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2006 – 296

**MUNICIPAL ORDER APPROVING THE PROBATIONARY
APPOINTMENT OF CHARLES T. BUTTS TO THE POSITION OF
CODE ENFORCEMENT INSPECTOR IN THE HOUSING AND
COMMUNITY DEVELOPMENT DEPARTMENT**

Summary of Municipal Order No. 2006 - 296 was read by the Assistant City Manager/City Clerk. DeFebbo reviewed the qualifications of the recommended candidate for appointment. 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: Strow, Alcott, Nash, Simpson and Walker
 Voting Nay: None
Municipal Order No. 2006 - 296 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2006 - 297

MUNICIPAL ORDER AUTHORIZING THE ACCEPTANCE OF A GRANT FROM FREDDIE MAC FOR THE "GET THE FACTS" INITIATIVE IN THE AMOUNT OF \$25,000

Summary of Municipal Order No. 2006 - 297 was read by the Assistant City Manager/City Clerk. DeFebbo reviewed the grant and use of funds to assist with getting information out about the ability to qualify for and obtain home loans. Family Counselor Sandy Mudd responded to questions regarding her involvement in the program, and she confirmed that no local match was 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: Strow, Alcott, Nash, Simpson and Walker
 Voting Nay: None
Municipal Order No. 2006 - 297 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2006 - 298

MUNICIPAL ORDER AUTHORIZING A CONTRIBUTION FROM THE CITY'S GENERAL FUND IN THE AMOUNT OF \$328,000 TO THE BOWLING GREEN POLICE AND FIREFIGHTERS RETIREMENT FUND FOR FISCAL YEAR 2007

Summary of Municipal Order No. 2006 - 298 was read by the Assistant City Manager/City Clerk. DeFebbo reviewed the annual contribution provided to assist with funding a cost of living increase for the annuitants of the closed pension fund. Chief Financial Officer Jeff Meisel responded to questions regarding the unfunded liability and biannual actuary study conducted. He indicated that he would bring this issue to a future work session for further discussion. 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: Strow, Alcott, Nash, Simpson and Walker
 Voting Nay: None
Municipal Order No. 2006 - 298 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2006 - 299

MUNICIPAL ORDER APPROVING THE PROBATIONARY APPOINTMENT OF LYNN DAVID HARTLEY TO THE POSITION OF CHIEF INFORMATION OFFICER IN THE INFORMATION TECHNOLOGY DEPARTMENT

Summary of Municipal Order No. 2006 - 299 was read by the Assistant City Manager/City Clerk. DeFebbo reviewed the qualifications of the recommended candidate for appointment. 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: Strow, Alcott, Nash, Simpson and Walker

Voting Nay: None

Municipal Order No. 2006 - 299 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2006 – 300

MUNICIPAL ORDER APPROVING THE NOMINATION OF BRIAN R. MEFFORD 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

Summary of Municipal Order No. 2006 - 300 was read by the Assistant City Manager/City Clerk. Mayor Walker reviewed and recommended the nomination. Comm. Strow expressed concern with having too many public interests represented on the ITA Board. Mayor Walker noted the importance of having a mix of private and public representation. Comm. Alcott stated he endorsed the nomination because of the need for technical expertise. 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: Strow, Alcott, Nash, Simpson and Walker

Voting Nay: None

Municipal Order No. 2006 – 300 was approved by unanimous vote.

RECOGNITION OF OUTGOING BOARD OF COMMISSIONERS MEMBERS

Mayor Walker presented both Commissioner Delane Simpson and Commissioner Mark Alcott with tokens of appreciation for their service to the community over the past two years. Comm. Alcott stated he enjoyed the opportunity to service the City and urged the Board to continue to engage in discussions and to thoroughly examine the issues. He further thanked the staff for all their dedication and assistance provided to him over the past two years. Comm. Simpson stated he was honored to have been a part of the Board of Commissioners and to have had the opportunity to give back to the community. He also remarked of the dedication of the employees and the future growth opportunity for the City.

CLOSED SESSION

Following a brief recess to clear the Commission Chamber, the Board of Commissioners met in closed session pursuant to KRS 61.810 (b) and (c) as previously approved. Mayor Walker noted that there was no anticipated action to follow the discussion.

ADJOURNMENT

Once all discussion ended 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.

ADOPTED: _____

APPROVED: _____
Mayor, Chairman of Board of Commissioners

ATTEST: _____
City Clerk

Minutes prepared by Assistant City Manager/City Clerk Katie Schaller