

**MINUTES of SPECIAL MEETING  
of the BOARD of COMMISSIONERS  
of the CITY of BOWLING GREEN, KENTUCKY  
held MAY 20, 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 4:00 p.m. on May 20, 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.

**OPERATION P.R.I.D.E. AWARD**

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 May, Ms. Hume presented the commercial award to the City of Bowling Green, Department of Parks and Recreation for the Kummer/Little Recreation Center located in the 300 block of College Street. Landscape Manager Jay Dougherty and Parks and Recreation Director Ernie Gouvas accepted the award on behalf of the City. Both expressed appreciation for the award.

**CITY MANAGER**

City Manager Kevin D. DeFebbo requested that item number 10 (Municipal Order No. 2008 – 123) be moved to the top of the agenda. With no objection from the Board, it was agreed that the item would be considered immediately following the second reading ordinances.

**APPROVAL OF MINUTES**

Minutes of Regular Meeting May 6, 2008

Minutes of the above-referenced meeting were distributed to the Board of Commissioners with the Agenda for their review. Motion was made by Wilkerson and seconded by Nash 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, Wilkerson, Denning, Nash and Walker  
                      Voting Nay: None

Motion to approve the minutes of the regular meeting of May 6, 2008 was approved by unanimous vote.

**CONSENT AGENDA**

Mayor Walker requested if the item on the Consent Agenda should be removed prior to its consideration. With no objections, Assistant City Manager/City Clerk Katie Schaller read the summary of the following item:

MUNICIPAL ORDER NO. 2008 - 118

MUNICIPAL ORDER APPROVING THE APPOINTMENT OF JAMES G. THOMAS TO THE WARREN COUNTY BOARD OF ASSESSMENT APPEALS, ALSO KNOWN AS THE LOCAL BOARD OF PROPERTY TAX APPEALS

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

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

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

REGULAR AGENDA

ORDINANCE NO. BG2008 - 21

(Second Reading)

ORDINANCE AUTHORIZING THE ISSUANCE OF INDUSTRIAL BUILDING REVENUE BONDS

AN ORDINANCE AUTHORIZING THE ISSUANCE OF \$3,000,000 INDUSTRIAL BUILDING REVENUE BONDS, SERIES 2008 (HOSPICE OF SOUTHERN KENTUCKY, INC. PROJECT) OF THE CITY OF BOWLING GREEN, KENTUCKY; THE PROCEEDS OF WHICH SHALL BE LOANED TO HOSPICE OF SOUTHERN KENTUCKY, INC. TO FINANCE THE ACQUISITION, CONSTRUCTION, REHABILITATION, INSTALLATION AND EQUIPPING OF AN INDUSTRIAL BUILDING TO BE LOCATED WITHIN THE CITY OF BOWLING GREEN, KENTUCKY FOR USE BY HOSPICE OF SOUTHERN KENTUCKY, INC. IN THE PROVISION OF HEALTH CARE AND RELATED SERVICES; PROVIDING FOR THE PLEDGE OF REVENUES FOR THE PAYMENT OF SUCH BONDS; AUTHORIZING A LOAN AGREEMENT APPROPRIATE FOR THE PROTECTION AND DISPOSITION OF SUCH REVENUES AND TO FURTHER SECURE SUCH BONDS; AUTHORIZING A BOND PURCHASE AGREEMENT, TAX REGULATORY AGREEMENT, MORTGAGE AND ASSIGNMENTS; AND AUTHORIZING OTHER ACTIONS IN CONNECTION WITH THE ISSUANCE OF SUCH BONDS

Title and summary of Ordinance No. BG2008 - 21 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: Strow, Wilkerson, Denning, Nash and Walker  
Voting Nay: None

Ordinance No. BG2008 - 21 was adopted by unanimous vote.

ORDINANCE NO. BG2008 - 22  
(Second Reading)  
ORDINANCE ANNEXING PROPERTY BY CONSENT

ORDINANCE ANNEXING 0.918 +/- ACRE OF PROPERTY  
LOCATED AT 860 GLASGOW ROAD, WITH PROPERTY  
PRESENTLY OWNED BY WILLIAM O. AND GENEVA PENICK,  
AND SAID TERRITORY BEING CONTIGUOUS TO EXISTING  
CITY LIMITS

Title and summary of Ordinance No. BG2008 - 22 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 - 22 was adopted by unanimous vote.

ORDINANCE NO. BG2008 - 23  
(Second Reading)  
ORDINANCE DECLARING CITY'S INTENT TO ANNEX PROPERTY

ORDINANCE DECLARING THE DESIRABILITY AND CITY'S  
INTENTION TO ANNEX UNINCORPORATED TERRITORY  
CONTAINING APPROXIMATELY 15.44 ACRES IN THE  
WHITESBORO SUBDIVISION IN THE VICINITY OF CAVE MILL  
ROAD AND SMALLHOUSE ROAD, WITH ALL SUCH TERRITORY  
BEING CONTIGUOUS TO EXISTING CITY LIMITS

Title and summary of Ordinance No. BG2008 - 23 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 - 23 was adopted by unanimous vote.

ORDINANCE NO. BG2008 - 24  
(Second Reading)  
ORDINANCE CLOSING A PUBLIC RIGHT-OF-WAY

ORDINANCE APPROVING THE CLOSING OF OLD 14<sup>TH</sup> AVENUE  
TO INCLUDE A PORTION OF CENTER STREET AND A PORTION  
OF AN UNNAMED ALLEY

Title and summary of Ordinance No. BG2008 - 24 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:   Strow, Wilkerson, Denning, Nash and Walker  
                          Voting Nay:   None  
Ordinance No. BG2008 - 24 was adopted by unanimous vote.

MUNICIPAL ORDER NO. 2008 - 123

MUNICIPAL ORDER APPROVING LEASE AGREEMENT  
RELATED TO THE LEASE OF 638 COLLEGE STREET, THE  
FORMER STANDARD OIL STATION

Summary of Municipal Order No. 2008 - 123 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 provided background information regarding the process undertaken by staff over the past two weeks to develop a lease agreement, as previously directed by the Board with the acceptance (by Municipal Order No. 2008 - 117) of a proposal submitted by Norm Johnson and Brian Lowder (also referred to as PYDR's proposal), to rehabilitate the former Standard Oil Building located in Circus Square Park. He stated that an issue had come up with the proposed use of the facility which required approval by the Governor's Office for Local Development (GOLD) since the property was purchased with Community Development Block Grant (CDBG) funding.

Grants Manager Lisa Ryan outlined GOLD's concerns and requirements to either (1) use the property in such a fashion that it would create at least two new jobs, which was the number of jobs located in the facility at the time the City purchased the property, or (2) use the property for a public purpose, such as restrooms or other possible public uses. Mayor Walker clarified that previous estimates indicated that it would cost around \$200,000 to convert the facility to public restrooms.

DeFebbo requested additional time to research other possible public uses for the facility before the Board made any decisions. Mr. Lowder stated that since he and Mr. Johnson had just learned of the potential obstacle with GOLD, he also requested more time to consider other options regarding their proposal to rehabilitate the facility. Motion was made by Denning, seconded by Wilkerson, to table Municipal Order No. 2008 - 123 as requested to allow more time to research other public uses for the building. With no further discussion, a roll call vote was taken.

ROLL CALL:           Voting Yea:   Strow, Wilkerson, Denning, Nash and Walker  
                          Voting Nay:   None  
Motion to table Municipal Order No. 2008 - 123 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2008 - 119

MUNICIPAL ORDER APPROVING THE PROBATIONARY  
APPOINTMENTS OF JEFFERY MICHAEL COLVIN AND JASON  
DEWAYNE FRANKS TO THE POSITION OF POLICE OFFICER IN  
THE POLICE DEPARTMENT

Summary of Municipal Order No. 2008 - 119 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 qualifications for each individual and recommended their

appointments. 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 - 119 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2008 - 120

MUNICIPAL ORDER AUTHORIZING A THREE (3) YEAR INSURANCE RENEWAL RATE GUARANTEE AGREEMENT WITH THE KENTUCKY LEAGUE OF CITIES INSURANCE SERVICES FOR INSURANCE COVERAGES OF LIABILITY, PROPERTY AND WORKERS COMPENSATION FOR FISCAL YEARS 2008/2009, 2009/2010 AND 2010/2011

Summary of Municipal Order No. 2008 - 120 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 explained that the City was approached by the Kentucky League of Cities (KLC) regarding a three-year rate freeze with its lines of insurance. In response to a question from Comm. Strow, City Attorney Gene Harmon clarified that the City could go out for bids prior to the end of the three year contract to avoid a lapse in coverage. However, he noted that the language included in the agreement prevented the City from entertaining bids during the contract period. Safety Training Manager David Weisbrodt reviewed the City's claims history as requested by the Mayor. Once all discussion ended, a roll call vote was taken.

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

Municipal Order No. 2008 - 120 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2008 - 121

MUNICIPAL ORDER AUTHORIZING A CONTRACT THROUGH NONCOMPETITIVE NEGOTIATION WITH LYONS SERVICE COMPANY OF BOWLING GREEN, KENTUCKY FOR CHILLER REPAIR SERVICES PERTAINING TO THE SLOAN CONVENTION CENTER

Summary of Municipal Order No. 2008 - 121 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 reviewed the air conditioning system problems at the Convention Center and recommended approval of the contract. 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 - 121 was approved by unanimous vote. Citizen Information and Assistance Director Michael Grubbs reported that the installation of the new HVAC controls at the Convention Center had been completed.

MUNICIPAL ORDER NO. 2008 - 122

MUNICIPAL ORDER AUTHORIZING THE CONTINUATION OF AN AGREEMENT WITH MCCANN ASSOCIATES RELATING TO PUBLIC SAFETY TESTING FOR THE POLICE DEPARTMENT; AND AUTHORIZING AGREEMENTS WITH ERGOMETRICS AND APPLIED PERSONNEL RESEARCH FOR ENTRY LEVEL TESTING SERVICES FOR THE FIRE DEPARTMENT AND WITH RESOURCE MANAGEMENT ASSOCIATES FOR PROMOTIONAL TESTING SERVICES FOR THE FIRE DEPARTMENT FOR FISCAL YEAR 2009

Summary of Municipal Order No. 2008 - 122 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 process undertaken by the public safety departments to select the best company for their hiring and promotional needs. He concurred with the Police and Fire departments' recommendations. Comm. Wilkerson commented about the benefits of the promotional testing process which provided an opportunity for officers to re-familiarize themselves with proper regulations and procedures. 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 - 122 was approved by unanimous vote.

NOTE: Municipal Order No. 2008 - 123 was considered and tabled earlier in the meeting.

MUNICIPAL ORDER NO. 2008 - 124

MUNICIPAL ORDER AUTHORIZING THE MAYOR TO EXECUTE RESTATED ARTICLES OF INCORPORATION OF THE INTER-MODAL TRANSPORTATION AUTHORITY, INC.

Summary of Municipal Order No. 2008 - 124 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 revised articles were part of the changes agreed to with the refinancing of the ITA bonds and recommended the Board's approval. City Attorney Gene Harmon confirmed that the changes included language requested by the Board when the City agreed to take on additional liability with the refinancing. Mayor Walker commented about the importance of having the details in writing. With no other discussion, a roll call vote was taken.

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

Municipal Order No. 2008 - 124 was approved by unanimous vote.

ORDINANCE NO. BG2008 - 25  
(First Reading)  
ORDINANCE REZONING REAL ESTATE

ORDINANCE REZONING A TRACT OF LAND CONTAINING 20.13 ACRES FROM AG (AGRICULTURE) AND F (GENERAL FLOOD PLAIN) TO HB (HIGHWAY BUSINESS), RE (RESIDENTIAL ESTATE) AND F (GENERAL FLOOD PLAIN) LOCATED AT 291 OLD SCOTTSVILLE ROAD, WITH BINDING ELEMENTS, PRESENTLY OWNED BY HARRIS MONTGOMERY

Title and summary of Ordinance No. BG2008 - 25 was read by the Assistant City Manager/City Clerk. Motion was made by Wilkerson and seconded by Nash for first reading of said Ordinance. Planning Group Manager Jonathan Britt of the City-County Planning Commission reviewed the recommended rezoning and associated binding elements. 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 - 25 was approved by unanimous vote.

ORDINANCE NO. BG2008 - 26  
(First Reading)  
ORDINANCE REZONING REAL ESTATE

ORDINANCE REZONING A TRACT OF LAND CONTAINING 48.63 +/- ACRES FROM RS-1C (SINGLE FAMILY RESIDENTIAL), RM-3 & 4 (MULTI-FAMILY RESIDENTIAL) AND OP-C (OFFICE PROFESSIONAL COMMERCIAL) TO HB (HIGHWAY BUSINESS) LOCATED ON WESTPARK DRIVE, WITH BINDING ELEMENTS, PRESENTLY OWNED BY AUBURNDALE GARY LIMITED PARTNERSHIP III, VERNON GARY, TRUSTEE FOR THE DOROTHY GARY IRREVOCABLE TRUST, AND BUBBA & COMPANY, LLC

Title and summary of Ordinance No. BG2008 - 26 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 binding elements. He also responded to questions about the previously approved street name change of Huston Court to Westpark Drive, clarified the location and property affected by the rezoning, confirmed the anticipation of creating some stub/dead end streets in Eastland Park Subdivision, and responded to questions about the installation of traffic lights and sidewalks. In addition, Mr. Hunter agreed to provide the Board with a map showing the development's proposed future connection to Highland Way. 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 - 26 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 4:50 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*