

**MINUTES of REGULAR MEETING
of the BOARD of COMMISSIONERS
of the CITY of BOWLING GREEN, KENTUCKY
held SEPTEMBER 5, 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 September 5, 2006. Mayor Elaine N. Walker called the meeting to order. An invocation was given by Youth Pastor Lee Faulks of Greenwood Church of Christ, 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 Delane Simpson, Commissioner Brian K. Strow, Commissioner Mark D. Alcott, Commissioner Brian "Slim" Nash and Mayor Elaine N. Walker. Absent: none. There was a full quorum of the Board of Commissioners.

PUBLIC HEARING

City Engineer Jeff Lashlee conducted a public hearing for the purpose of reviewing the proposed use of Municipal Aid Program (Liquid Fuel Tax) funds, Coal Severance and Processing Tax and the Mineral Severance Tax. He reported that the Fiscal Year 2007 LFT projected revenues were \$800,000. In addition, Mr. Lashlee reported that funds were anticipated from the Kentucky Transportation Cabinet (KYTC) bonds in the amount of \$655,000 and KYTC discretionary funds in the amount of \$500,000. He reviewed the projects proposed in five categories—Street Resurfacing, Sidewalk Reconstruction, Downtown Signalization, Parker-Bennett Area Rehabilitation and Traffic Calming—at a total cost of \$2,127,000 from LFT. He noted that additional funding from other sources, such as the General Fund and/or bond proceeds, would be added to the street resurfacing and downtown signalization projects. He further reported that the Fiscal Year 2007 Coal-Mineral Tax projected revenues were \$29,000 and would be available to be used toward transportation grant matches. There were no questions from the public or the Board.

PUBLIC COMMENTS

Melvin Davis of 556 Sweeny Lane expressed concerns in reference to the upcoming International Festival regarding the display of another country's flag on the same flag pole as the American flag. He read a portion of the United States Flag regulations section 7, paragraph g, to remind everyone of the proper way to display another country's flag with the American flag.

CITY MANAGER

City Manager Kevin D. DeFebbo requested a closed session for the purpose of discussion on the future acquisition or sale 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 or sold by the City, and for the purpose of discussion of proposed or pending litigation against or on behalf of the City. Motion was made by Nash and seconded by Simpson 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: Simpson, Strow, Alcott, Nash 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 August 15, 2006 and Special Meeting August 17, 2006

Minutes of the above-referenced meetings were distributed to the Board of Commissioners with the Agenda for their review. Motion was made by Alcott 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: Simpson, Strow, Alcott, Nash and Walker
 Voting Nay: None

Motion to approve the minutes of the regular meeting of August 15, 2006 and special meeting of August 17, 2006 was approved by unanimous vote.

CHANGE ORDER OF AGENDA

Comm. Nash made a motion, seconded by Simpson, to change the order of the agenda to consider item numbers 6, 8, 9, 14 and 15 (Municipal Order Nos. 2006 - 202, 2006 - 204, 2006 - 205, 2006 - 210 and 2006 - 211) related to board and personnel appointments/promotions at this time. Walker called for roll call vote.

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

Motion to change the order of the agenda to consider Municipal Order Nos. 2006 - 202, 2006 - 204, 2006 - 205, 2006 - 210 and 2006 - 211 at this time was approved by unanimous vote.

Comm. Alcott inquired as to when an ordinance he previously requested would be presented for Board consideration to officially change the order of the agenda. Assistant City Manager/City Clerk stated she anticipated the ordinance would be ready for consideration at the first meeting in October.

MUNICIPAL ORDER NO. 2006 - 202

MUNICIPAL ORDER APPROVING THE PROMOTION OF ROBERT STUART EVANS TO THE POSITION OF CITY SURVEYOR IN THE PUBLIC WORKS DEPARTMENT

Summary of Municipal Order No. 2006 - 202 was read by the Assistant City Manager/City Clerk. DeFebbo reviewed the opening and opportunity for promotion. Motion was made by Nash and seconded by Simpson for consideration of said Municipal Order. Comm. Alcott stated that he had no issue with the recommended promotion; however, he would like to see a policy that requires the City to advertise for every open position. Mayor Walker asked for additional discussion, and with none, a roll call vote was taken.

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

Municipal Order No. 2006 - 202 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2006 - 204

MUNICIPAL ORDER APPROVING THE APPOINTMENT OF
DEANNA M. COLES TO THE BOWLING GREEN ENTERPRISE
COMMUNITY, INC. BOARD OF DIRECTORS

Summary of Municipal Order No. 2006 - 204 was read by the Assistant City Manager/City Clerk. Mayor Walker recommended the appointment to fill a vacant elected position. 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: Simpson, Strow, Alcott, Nash and Walker
 Voting Nay: None

Municipal Order No. 2006 - 204 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2006 - 205

MUNICIPAL ORDER APPROVING THE PROBATIONARY
APPOINTMENT OF JOHN DWAYNE AUSBROOKS TO THE
POSITION OF CARPENTER IN THE PARKS AND RECREATION
DEPARTMENT

Summary of Municipal Order No. 2006 - 205 was read by the Assistant City Manager/City Clerk. DeFebbo reviewed the qualifications of the recommended applicant. 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: Simpson, Strow, Alcott, Nash and Walker
 Voting Nay: None

Municipal Order No. 2006 - 205 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2006 - 210

MUNICIPAL ORDER APPROVING THE PROBATIONARY
APPOINTMENT OF SANJA DUDARIC TO THE POSITION OF
OFFICE ASSOCIATE IN THE POLICE DEPARTMENT, RECORDS
DIVISION

Summary of Municipal Order No. 2006 - 210 was read by the Assistant City Manager/City Clerk. DeFebbo reviewed the qualifications of the recommended applicant. 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: Simpson, Strow, Alcott, Nash and Walker
 Voting Nay: None

Municipal Order No. 2006 - 210 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2006 - 211

MUNICIPAL ORDER APPROVING THE PROMOTION OF VASHON SANCHEZ PRATHER TO THE POSITION OF RECORDS ASSOCIATE IN THE POLICE DEPARTMENT, RECORDS DIVISION

Summary of Municipal Order No. 2006 - 211 was read by the Assistant City Manager/City Clerk. DeFebbo reviewed the qualifications for the recommended promotion. 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: Simpson, Strow, Alcott, Nash and Walker
 Voting Nay: None

Municipal Order No. 2006 - 211 was approved by unanimous vote.

RESUME REGULAR ORDER OF AGENDA

MUNICIPAL ORDER NO. 2006 - 200

MUNICIPAL ORDER APPROVING THE CONTINUATION OF AN AGREEMENT WITH WESTERN KENTUCKY UNIVERSITY FOR PROVIDING A LEAF COMPOSTING SYSTEM FOR THE CITY OF BOWLING GREEN, KENTUCKY

Summary of Municipal Order No. 2006 - 200 was read by the Assistant City Manager/City Clerk. DeFebbo recommended the continuation of the agreement for leaf composting in which the City receives a portion of the revenues generated from the composting project. Mayor Walker commented about the leaf pickup service provided to the City residents. 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: Simpson, Strow, Alcott, Nash and Walker
 Voting Nay: None

Municipal Order No. 2006 - 200 was approved by unanimous vote.

ORDINANCE NO. BG2006 - 29

(First Reading)

ORDINANCE RENAMING STREET

ORDINANCE APPROVING THE RENAMING OF ALVATON ROAD TO KEN BALE BOULEVARD

Title and summary of Ordinance No. BG2006 - 29 was read by the Assistant City Manager/City Clerk. DeFebbo reviewed the street renaming recommended by the City-County Planning Commission. Motion was made by Strow and seconded by Alcott for first reading of said Ordinance. Mayor Walker asked for additional discussion, and with none, a roll call vote was taken.

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

First reading of Ordinance No. BG2006 - 29 was approved by unanimous vote.

ORDINANCE NO. BG2006 - 30
(First Reading)
ORDINANCE RENAMING STREET

ORDINANCE APPROVING THE RENAMING OF HOUSTON
COURT TO WESTPARK DRIVE

Title and summary of Ordinance No. BG2006 - 30 was read by the Assistant City Manager/City Clerk. DeFebbo reviewed the street renaming recommended by the City-County Planning Commission. Motion was made by Nash and seconded by Alcott for first reading of said Ordinance. Mayor Walker asked for additional discussion, and with none, a roll call vote was taken.

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

First reading of Ordinance No. BG2006 - 30 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2006 - 201

MUNICIPAL ORDER AUTHORIZING THE SUBMISSION OF A
GRANT APPLICATION TO THE TONY HAWK FOUNDATION IN
THE AMOUNT OF \$25,000

Summary of Municipal Order No. 2006 - 201 was read by the Assistant City Manager/City Clerk. DeFebbo recommended submission of this grant application for funds to be used toward the skate park project. Parks and Recreation Director Ernie Gouvas responded to questions regarding the use of funds if received. Comm. Nash mentioned that donations were still being received to used for the project. Chief Financial Officer Jeff Meisel indicated that any donations to the City can be tax deductible. 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: Simpson, Strow, Alcott, Nash and Walker
 Voting Nay: None

Municipal Order No. 2006 - 201 was approved by unanimous vote.

NOTE: Municipal Order No. 2006 - 202 was previously considered and approved.

MUNICIPAL ORDER NO. 2006 - 203

MUNICIPAL ORDER AUTHORIZING THE MAYOR TO EXECUTE
A REQUEST FOR LITTER ABATEMENT FUNDING TO THE
KENTUCKY ENVIRONMENTAL AND PUBLIC PROTECTION
CABINET

Summary of Municipal Order No. 2006 - 203 was read by the Assistant City Manager/City Clerk. DeFebbo reviewed the annual request for funding. Motion was made by Alcott 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: Simpson, Strow, Alcott, Nash and Walker
 Voting Nay: None
Municipal Order No. 2006 - 203 was approved by unanimous vote.

NOTE: Municipal Order Nos. 2006 – 204 and 2006 – 205 were previously considered and approved.

MUNICIPAL ORDER NO. 2006 – 206

MUNICIPAL ORDER AUTHORIZING AND ACCEPTING BID #2007-03 FOR LEASE OF GOLF COURSE EQUIPMENT FROM KENNEY OUTDOOR SOLUTIONS OF LOUISVILLE, KENTUCKY AND GREENVILLE TURF AND TRACTOR OF MURFREESBORO, TENNESSEE IN THE TOTAL LEASE AMOUNT OF \$74,048.04

Summary of Municipal Order No. 2006 - 206 was read by the Assistant City Manager/City Clerk. DeFebbo recommended the bid awards to lease sixteen pieces of equipment. 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: Simpson, Strow, Alcott, Nash and Walker
 Voting Nay: None
Municipal Order No. 2006 - 206 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2006 – 207

MUNICIPAL ORDER AUTHORIZING AND ACCEPTING BID #2007-01 FOR A CONTRACT WITH MONARCH ENVIRONMENTAL OF BOWLING GREEN, KENTUCKY FOR SANITATION SERVICES IN THE AMOUNT OF \$39,359.40

Summary of Municipal Order No. 2006 - 207 was read by the Assistant City Manager/City Clerk. DeFebbo recommended the bid award for services to City facilities. In response to a question from Comm. Simpson, Ms. Schaller stated she believed the contract included two additional one-year options to renew for a total of three years. Motion was made by Simpson 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: Simpson, Strow, Alcott, Nash and Walker
 Voting Nay: None
Municipal Order No. 2006 - 207 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2006 – 208

MUNICIPAL ORDER AUTHORIZING THE ACCEPTANCE OF A GRANT FROM THE U.S. DEPARTMENT OF JUSTICE, OFFICE OF JUSTICE PROGRAMS, BUREAU OF JUSTICE ASSISTANCE FOR EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT (JAG) FUNDS IN THE AMOUNT OF \$17,703

Summary of Municipal Order No. 2006 - 208 was read by the Assistant City Manager/City Clerk. DeFebbo reviewed the grant awarded to both the City and County to share equally with no required match. He stated that the City's portion of funding would be used to purchase helmets and radio adaptors for the motorcycle unit and more digital cameras. 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: Simpson, Strow, Alcott, Nash and Walker
 Voting Nay: None

Municipal Order No. 2006 - 208 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2006 - 209

MUNICIPAL ORDER AUTHORIZING THE SUBMISSION OF AN APPLICATION TO THE FISCAL YEAR 2006 COMMERCIAL EQUIPMENT DIRECT ASSISTANCE PROGRAM (CEDAP) THROUGH THE U.S. DEPARTMENT OF HOMELAND SECURITY

Summary of Municipal Order No. 2006 - 209 was read by the Assistant City Manager/City Clerk. DeFebbo recommended the submission of a grant application to request a specified piece of equipment for the Police Department. Acting Deputy Police Chief Quentin Hughes responded to questions regarding the request for a Radio Inter-Operability System. Motion was made by Alcott 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: Simpson, Strow, Alcott, Nash and Walker
 Voting Nay: None

Municipal Order No. 2006 - 209 was approved by unanimous vote.

NOTE: Municipal Order Nos. 2006 - 210 and 2006 - 211 were previously considered and approved.

MUNICIPAL ORDER NO. 2006 - 212

MUNICIPAL ORDER AMENDING THE ADVANCED COMMUNICATIONS DISPATCHER CAREER PATH PROGRAM

Summary of Municipal Order No. 2006 - 212 was read by the Assistant City Manager/City Clerk. DeFebbo reviewed the changes recommended to the career path program for Dispatchers. Human Resources Director Michele Tolbert explained the requirements needed for advancement in the program and the eligibility for assignment pay. Comm. Nash stated that he supported these changes, and that he would like the City to continue to explore moving Dispatchers from the General employee classification/pay schedule to the Public Safety schedule. 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: Simpson, Strow, Alcott, Nash and Walker
 Voting Nay: None

Municipal Order No. 2006 - 212 was approved by unanimous vote.

ORDINANCE NO. BG2006 - 31

(First Reading)

ORDINANCE RELATING TO CLASSIFICATION/PAY SCHEDULE

ORDINANCE AMENDING THE CLASSIFICATION/PAY SCHEDULE "G" FOR GENERAL CLASSIFIED EMPLOYEES OF THE CITY OF BOWLING GREEN FOR FISCAL YEAR 2007

Title and summary of Ordinance No. BG2006 - 31 was read by the Assistant City Manager/City Clerk. In reference to the previous item and in regard to changes in the Finance Department, DeFebbo reviewed the recommended changes to the classification/pay schedule. Motion was made by Nash and seconded by Simpson for first reading of said Ordinance. Mayor Walker asked for additional discussion, and with none, a roll call vote was taken.

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

First reading of Ordinance No. BG2006 - 31 was approved by unanimous vote.

ORDINANCE NO. BG2006 - 32

(First Reading)

ORDINANCE AMENDING CODE OF ORDINANCES

ORDINANCE AMENDING CHAPTER 11 (FINANCE, TAXATION AND ECONOMIC DEVELOPMENT) OF THE CITY OF BOWLING GREEN CODE OF ORDINANCES TO MAKE AMENDMENTS TO THE JOB DEVELOPMENT INCENTIVE PROGRAM AND TO MAKE OTHER ADMINISTRATIVE CHANGES RELATED TO THE COMBINATION OF THE POSITIONS OF CHIEF FINANCIAL OFFICER AND CITY TREASURER

Title and summary of Ordinance No. BG2006 - 32 was read by the Assistant City Manager/City Clerk. DeFebbo recommended the proposed changes which were discussed at the work session held earlier in the day. Comm. Strow noted several of the changes that he was in agreement with; however, he proposed that an incentive loan amount not exceed fifty percent (50%) of the employee withholdings the prospect expects to generate for an amortization period of up to ten (10) years, versus seventy-five percent (75%). Mayor Walker expressed concerned with reducing the amount of flexibility available for providing loans and matching state incentives.

Vice President of Economic Development Dan Preston for the Bowling Green Area Chamber of Commerce described the applicable state incentive which was predicated on local incentive, limiting the loan amount the state could provide. In response to questions, Mr. Preston indicated that it was wise for the City to retain a portion of its occupational fees for required services and that 75% was a reasonable compromise.

Comm. Alcott stated he disagreed with Comm. Strow's proposal to limit the loan amount to 50% of withholdings. He indicated that incentives were crucial for economic development. He applauded the Mayor's efforts with regard to the recommended changes and agreed that 75% was a good compromise.

Following further discussion and clarification, Comm. Strow presented his proposal in the form of a motion to amend Ordinance No. BG2006 – 32 to change all references of “seventy-five percent (75%)” to “fifty percent (50%)”. This motion died for lack of a second.

Motion was made by Nash and seconded by Simpson for first reading of said Ordinance. Mayor Walker asked for additional discussion, and with none, a roll call vote was taken.

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

First reading of Ordinance No. BG2006 - 32 was approved by unanimous vote.

CLOSED SESSION

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

OPEN SESSION

Once all discussion concluded in closed session, the Board of Commissioners reconvened in open session for consideration of action. Motion was made by Nash and seconded by Simpson to add Municipal Order No. 2006 – 213 to the agenda for consideration. With no discussion, a roll call vote was taken.

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

Motion to add Municipal Order No. 2006 – 213 to the agenda was approved by unanimous vote.

MUNICIPAL ORDER NO. 2006 – 213

MUNICIPAL ORDER AUTHORIZING AND ORDERING CONDEMNATION OF A PORTION OF PROPERTY BELONGING TO DON MCCONNELL LOCATED AT 2755 NASHVILLE ROAD ON BEHALF OF THE BOWLING GREEN MUNICIPAL UTILITIES BOARD FOR NECESSARY EASEMENTS FOR RELOCATION OF EXISTING ELECTRIC, WATER AND SEWER FACILITIES DUE TO THE KENTUCKY DEPARTMENT OF TRANSPORTATION’S PLANNED WIDENING OF NASHVILLE ROAD

Summary of Municipal Order No. 2006 - 213 was read by the Assistant City Manager/City Clerk. Motion was made by Alcott 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: Simpson, Strow, Alcott, Nash and Walker
 Voting Nay: None

Municipal Order No. 2006 - 213 was approved by unanimous vote.

ADJOURNMENT

There being no further business to come before the Board of Commissioners, at approximately 8:35 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) Fiscal Year 2007 Public Works Capital Improvement Projects; and, 2) proposed revisions to Chapter 11 (Finance, Taxation and Economic Development) regarding the Job Development Incentive Program.

ADOPTED: _____

APPROVED: _____
Mayor, Chairman of Board of Commissioners

ATTEST: _____
City Clerk

Minutes prepared by Assistant City Manager/City Clerk Katie Schaller