

**MINUTES of REGULAR MEETING
of the BOARD of COMMISSIONERS
of the CITY of BOWLING GREEN, KENTUCKY
held JUNE 6, 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 June 6, 2006. Mayor Elaine N. Walker called the meeting to order. Mayor Walker requested a moment of silence for the families of Cornelius Martin and Brooks Mitchell who lost their lives in a recent motorcycle incident. An invocation was given by Commissioner Brian K. Strow, and all present recited the Pledge of Allegiance. 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 COMMENTS

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

CITY MANAGER

City Manager Kevin D. DeFebbo introduced Deborah Jenkins, the City's Internal Auditor, who began work on June 5, 2006.

APPROVAL OF MINUTES

Minutes of Regular Meeting May 16, 2006 and Special Meeting of May 22, 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 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: Simpson, Strow, Alcott, Nash and Walker
 Voting Nay: None

Motion to approve the minutes of the regular meeting of May 16, 2006 and special meeting of May 22, 2006 was approved by unanimous vote.

CHANGE ORDER OF AGENDA

Comm. Simpson made a motion, seconded by Alcott, to change the order of the agenda to consider item numbers 9 and 17 (Municipal Order Nos. 2006 - 117 and 2006 - 122) related to personnel 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 - 117 and 2006 - 122 at this time was approved by unanimous vote.

MUNICIPAL ORDER NO. 2006 - 117

MUNICIPAL ORDER APPROVING THE PROMOTIONS OF JAYSON BRETT SMITH, MICHAEL PAUL CAMPBELL, MICHAEL DEWEY BAKER AND FLOYD RICHARD HOLLAND TO THE POSITION OF FIRE APPARATUS OPERATOR, AND JAMES ELLIS MORROW, JR., THOMAS RAY WILLIAMS AND STEPHEN DAVID DANIEL TO THE POSITION OF COMPANY COMMANDER/EMT IN THE FIRE DEPARTMENT

Summary of Municipal Order No. 2006 - 117 was read by the City Clerk. Fire Chief Gerry Brown reviewed the promotions, a majority of which establish a second ladder company at Westside Fire Station. 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 - 117 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2006 - 122

MUNICIPAL ORDER APPROVING THE PROMOTION OF DOUGLAS DREW HAWKINS TO THE POSITION OF DEPUTY POLICE CHIEF IN THE POLICE DEPARTMENT

Summary of Municipal Order No. 2006 - 122 was read by the City Clerk. Police Chief Bill Waltrip reviewed the qualifications for the recommended promotion. 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: Simpson, Strow, Alcott, Nash and Walker
Voting Nay: None

Municipal Order No. 2006 - 122 was approved by unanimous vote.

RESUME REGULAR ORDER OF AGENDA

ORDINANCE NO. BG2006 - 14

(Second Reading)

ORDINANCE REZONING REAL ESTATE

ORDINANCE REZONING A TRACT OF LAND CONTAINING 3.806 ACRES FROM OP-C (OFFICE PROFESSIONAL-COMMERCIAL) TO GB (GENERAL BUSINESS) LOCATED AT THE SOUTHWEST CORNER OF CAVE MILL ROAD AND CROSSINGS BOULEVARD, WITH BINDING ELEMENTS, PRESENTLY OWNED BY MICHAEL AND AIMEE MILLER

Title and summary of Ordinance No. BG2006 - 14 was read by the City Clerk. Motion was made by Strow 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: Simpson, Strow, Nash and Walker
 Voting Nay: None
 Abstain: Alcott

Ordinance No. BG2006 - 14 was adopted by majority vote. Comm. Alcott abstained indicating a professional conflict of interest.

ORDINANCE NO. BG2006 - 15
(Second Reading)
ORDINANCE REZONING REAL ESTATE

ORDINANCE REZONING A TRACT OF LAND CONTAINING
26.955 ACRES FROM HI (HEAVY INDUSTRY) TO LI (LIGHT
INDUSTRY) LOCATED ON NASHVILLE ROAD, WITH BINDING
ELEMENTS, PRESENTLY OWNED BY DOMINION SEVEN, LLC

Title and summary of Ordinance No. BG2006 - 15 was read by the City Clerk. Motion was made by Nash 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: Simpson, Strow, Alcott, Nash and Walker
 Voting Nay: None

Ordinance No. BG2006 - 15 was adopted by unanimous vote.

MUNICIPAL ORDER NO. 2006 - 113

MUNICIPAL ORDER APPROVING AND AUTHORIZING THE
MAYOR TO EXECUTE A MOTORCYCLE LEASE AGREEMENT
WITH MOTOR SPORTS OF BOWLING GREEN, INC. FOR LEASE
OF FOUR STANDARD POLICE PACKAGE HARLEY-DAVIDSON
MOTORCYCLES FOR THE SUM OF ONE DOLLAR (\$1.00)

Summary of Municipal Order No. 2006 - 113 was read by the City Clerk. Police Chief Bill Waltrip indicated that this was the third year of the lease agreement for four new motorcycles. 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 - 113 was approved by unanimous vote.

ORDINANCE NO. BG2006 - 16
(First Reading)
ORDINANCE REZONING REAL ESTATE

ORDINANCE REZONING A TRACT OF LAND CONTAINING 0.27
ACRE FROM RM-4 (MULTI-FAMILY RESIDENTIAL) TO NB

(NEIGHBORHOOD BUSINESS) LOCATED ON WEST MAIN AVENUE, WITH BINDING ELEMENTS, PRESENTLY OWNED BY THE SALVATION ARMY

Title and summary of Ordinance No. BG2006 - 16 was read by the City Clerk. City-County Planning Commission Planner Steve Hunter reviewed the recommended rezoning and associated binding elements. Motion was made by Strow and seconded by Nash 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 - 16 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2006 - 114

MUNICIPAL ORDER AUTHORIZING THE CONTINUATION OF AN AGREEMENT WITH VANTAGE-MCCANN RELATING TO PUBLIC SAFETY TESTING AND CONSULTING SERVICES FOR FISCAL YEAR 2007

Summary of Municipal Order No. 2006 - 114 was read by the City Clerk. DeFebbo stated there is an on-going need to contract for public safety testing services. Human Resources Director Michele Tolbert reviewed the agreement. 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 - 114 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2006 - 115

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 2007

Summary of Municipal Order No. 2006 - 115 was read by the City Clerk. DeFebbo indicated this was an annual agreement for services. He noted that in the next year all medical related services would be bid out as a package. 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 - 115 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2006 - 116

MUNICIPAL ORDER AUTHORIZING CONTINUATION OF AGREEMENT WITH UNDERWRITERS SAFETY & CLAIMS, INC. RELATING TO MANAGED HEALTH CARE AND CLAIMS ADMINISTRATION SERVICES FOR FISCAL YEAR 2007

Summary of Municipal Order No. 2006 - 116 was read by the City Clerk. DeFebbo indicated this was a continuation of an agreement for Third Party Administrative services. 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 - 116 was approved by unanimous vote. Following the vote Comm. Nash requested clarification of additional medical services which were approved by the City Manager. Human Resources Director Michele Tolbert reviewed the contract with Life Services EAP.

NOTE: Municipal Order No. 2006 - 117 was previously considered.

ORDINANCE NO. BG2006 - 17

(First Reading)

ORDINANCE REZONING REAL ESTATE

ORDINANCE REZONING TWO TRACTS OF LAND CONTAINING 7.179 ACRES FROM AG (AGRICULTURE) AND HB (HIGHWAY BUSINESS) TO LI (LIGHT INDUSTRY) LOCATED ON LOUISVILLE ROAD, WITH BINDING ELEMENTS, PRESENTLY OWNED BY JOSEPH ALLEN

Title and summary of Ordinance No. BG2006 - 17 was read by the City Clerk. City-County Planning Commission Planner Steve Hunter reviewed the recommended rezoning and associated binding elements. Motion was made by Alcott 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 - 17 was approved by unanimous vote.

ORDINANCE NO. BG2006 - 18

(First Reading)

ORDINANCE REZONING REAL ESTATE

ORDINANCE REZONING A TRACT OF LAND CONTAINING 1.75 ACRES FROM LI (LIGHT INDUSTRY) TO HI (HEAVY INDUSTRY) LOCATED AT 1215 LEWIS AVENUE, WITH BINDING ELEMENTS, PRESENTLY OWNED BY STEEN AND STEEN, INC.; LARRY SMITH, LESSEE

Title and summary of Ordinance No. BG2006 - 18 was read by the City Clerk. City-County Planning Commission Planner Steve Hunter reviewed the recommended rezoning and associated binding elements. 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 - 18 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2006 - 118

MUNICIPAL ORDER AUTHORIZING THE MAYOR TO EXECUTE
A LEASE AGREEMENT WITH DOWNTOWN REDEVELOPMENT
AUTHORITY, INC. TO LEASE FOUNTAIN SQUARE PARK FOR
CONCERTS IN THE PARK

Summary of Municipal Order No. 2006 - 118 was read by the City Clerk. DeFebbo stated this was a yearly request. 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 - 118 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2006 - 119

MUNICIPAL ORDER APPROVING AND AUTHORIZING THE
MAYOR TO EXECUTE TWO AMENDED AND RESTATED
TRANSMISSION LINE EASEMENTS, AND A TRANSMISSION
LINE EASEMENT WITH EAST KENTUCKY POWER
COOPERATIVE, INC.

Summary of Municipal Order No. 2006 - 119 was read by the City Clerk. DeFebbo indicated this was a negotiated request for right-of-way access by Eastern Kentucky Power Cooperative. EKPC Contract Right-of-Way Agent Sharon Gray reviewed the three parcels for placement of power structures. City Attorney Gene Harmon indicated that the City would receive fair compensation with a minimal impact to the City's operations at those property locations. 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 - 119 was approved by unanimous vote.

ORDINANCE NO. BG2006 - 19

(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 2006

Title and summary of Ordinance No. BG2006 - 19 was read by the City Clerk. DeFebbo stated that this was the third budget amendment for FY2006. Chief Financial Officer Jeff Meisel reviewed the recommended adjustments to the budget. Motion was made by Nash and seconded by Strow 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 - 19 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2006 - 120

MUNICIPAL ORDER AUTHORIZING THE SUBMISSION OF AN
APPLICATION FOR FEDERAL VICTIMS OF CRIME ACT (VOCA)
GRANT FUNDS THROUGH THE COMMONWEALTH OF
KENTUCKY JUSTICE CABINET FOR THE PARTIAL FUNDING
OF A VICTIM ADVOCATE POSITION FOR THE POLICE
DEPARTMENT INVESTIGATIONS UNIT IN A TOTAL AMOUNT
OF \$38,530

Summary of Municipal Order No. 2006 - 120 was read by the City Clerk. DeFebbo stated this was a grant application for request of continued funding of the Victim Advocate position. Comm. Nash stated that even if the City did not receive the grant funding, the position should be kept. All agreed. 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: Simpson, Strow, Alcott, Nash and Walker
 Voting Nay: None

Municipal Order No. 2006 - 120 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2006 - 121

MUNICIPAL ORDER ACCEPTING THE CITY OF BOWLING
GREEN, KENTUCKY COMPREHENSIVE ANNUAL FINANCIAL
REPORT FOR THE PERIOD ENDING JUNE 30, 2004 AS
PREPARED BY THE DEPARTMENT OF FINANCE AND AUDITED
BY KIRBY & KIRBY, CERTIFIED PUBLIC ACCOUNTANTS

Summary of Municipal Order No. 2006 - 121 was read by the City Clerk. DeFebbo commented on the completion of the Fiscal Year 2004 Audit. In response to a question from Comm. Alcott, Chief Financial Officer Jeff Meisel stated that the Fiscal Year 2005 Audit should be completed in the next month. 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: Simpson, Strow, Alcott, Nash and Walker

Voting Nay: None

Municipal Order No. 2006 - 121 was approved by unanimous vote.

NOTE: Municipal Order No. 2006 - 122 was previously considered.

MUNICIPAL ORDER NO. 2006 - 123

MUNICIPAL ORDER AUTHORIZING PAYMENT TO THE
WARREN COUNTY PROPERTY VALUATION ADMINISTRATOR
FOR FISCAL YEAR 2007

Summary of Municipal Order No. 2006 - 123 was read by the City Clerk. DeFebbo stated this was a required annual payment. 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: Simpson, Strow, Alcott, Nash and Walker
Voting Nay: None

Municipal Order No. 2006 - 123 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2006 - 124

MUNICIPAL ORDER AUTHORIZING INSURANCE PREMIUM
PAYMENTS TO THE KENTUCKY LEAGUE OF CITIES
INSURANCE SERVICES FOR INSURANCE COVERAGES OF
GENERAL LIABILITY, PUBLIC OFFICIALS ERRORS AND
OMISSIONS, LAW ENFORCEMENT LIABILITY, AUTOMOBILE,
BUILDINGS AND PROPERTY, AND WORKERS COMPENSATION
FOR FISCAL YEAR 2007

Summary of Municipal Order No. 2006 - 124 was read by the City Clerk. DeFebbo stated that premium costs have increased approximately 13% over the previous year. Safety Training Manager David Weisbrodt reviewed the reasons for the increase in costs and responded to questions. 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 - 124 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2006 - 125

MUNICIPAL ORDER APPROVING RECOMMENDATIONS OF THE
CITY-COUNTY DEPOT COMMITTEE RELATED TO THE
OPERATION OF THE HISTORIC L & N DEPOT AND APPROVING
TERMINATION OF LEASE / MANAGEMENT AGREEMENT WITH
OPERATION P.R.I.D.E., INC.

Summary of Municipal Order No. 2006 - 125 was read by the City Clerk. Mayor Walker stated that as the Chair of the City/County Depot Committee, she was bringing the recommendations of the Committee and the Historic L&N Depot Taskforce to the Board of Commissioners for consideration. Comm. Alcott, as a member of the Taskforce, further reviewed the recommendations. Comm. Alcott made a motion, which was seconded by Nash, to amend Municipal Order No. 2006 - 125 paragraph "A" to remove "upon completion of the restoration," paragraph "C" to remove "An existing" and state "A nonprofit...", and paragraph "F" to delete the word "existing." There was also discussion regarding the termination of the existing Depot management agreement and the ability to find a nonprofit organization to manage the Depot. Once discussion concluded, a roll call vote was taken.

ROLL CALL: Voting Yea: Strow, Alcott, Nash and Walker
 Voting Nay: Simpson

Motion to amend Municipal Order No. 2006 - 125 was approved by majority vote.

Comm. Simpson expressed concern that there was not a representative of Operation P.R.I.D.E. on the Depot Taskforce. Mayor Walker reviewed the membership of the Taskforce and its responsibilities to make recommendations. Comm. Alcott noted that Operation P.R.I.D.E. representatives/staff attended each of the Taskforce meetings. Motion was made by Alcott and seconded by Nash for consideration of said Municipal Order as amended. Mayor Walker asked for additional discussion, and with none, a roll call vote was taken.

ROLL CALL: Voting Yea: Strow, Alcott, Nash and Walker
 Voting Nay: Simpson

Municipal Order No. 2006 - 125, as amended, was approved by majority vote.

MUNICIPAL ORDER NO. 2006 - 126

MUNICIPAL ORDER AUTHORIZING AND ACCEPTING BID #2006-52 FOR TRAIL CONSTRUCTION AND PAVING OF MITCH MCCONNELL PARK, PHASE III, FROM SCOTTY'S CONTRACTING & STONE, LLC OF BOWLING GREEN, KENTUCKY IN THE AMOUNT OF \$285,262

Summary of Municipal Order No. 2006 - 126 was read by the City Clerk. DeFebbo reviewed the recommended bid award for the greenways project. Greenways Commission Vice Chair Craig Dowell responded to questions regarding the project. 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 - 126 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2006 - 127

MUNICIPAL ORDER AUTHORIZING AND ACCEPTING BID #2006-53 FOR TRAIL CONSTRUCTION AND PAVING AT BOAT LANDING PARK FROM KENWAY PAVING, LLC OF BOWLING GREEN, KENTUCKY IN THE AMOUNT OF \$44,720

Summary of Municipal Order No. 2006 - 127 was read by the City Clerk. DeFebbo reviewed the recommended bid award for the greenways project. Greenways Commission Vice Chair Craig Dowell responded to questions regarding the project and eventual connection to other paths. 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 - 127 was approved by unanimous vote.

ADJOURNMENT

Mayor Walker announced that June 13 and 14, 2006 were the next special work sessions scheduled regarding budget discussions, and that the next scheduled meeting of the Board was June 20, 2006. There being no further business to come before the Board of Commissioners, at approximately 8:30 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 subject: the City Manager presented the Fiscal Year 2007 capital improvement projects which were incorporated in his budget recommendation.

ADOPTED: _____

APPROVED: _____
Mayor, Chairman of Board of Commissioners

ATTEST: _____
City Clerk

Minutes prepared by City Clerk Katie Schaller