

**MINUTES of REGULAR MEETING
of the BOARD of COMMISSIONERS
of the CITY of BOWLING GREEN, KENTUCKY
held AUGUST 15, 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 August 15, 2006. Mayor Elaine N. Walker called the meeting to order. An invocation was given by Commissioner Brian K. Strow, 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 Mark D. Alcott, Commissioner Brian "Slim" Nash, Commissioner Delane Simpson, Commissioner Brian K. Strow and Mayor Elaine N. Walker. Absent: none. There was a full quorum of the Board of Commissioners.

S.T.A.R. AWARDS

Citizen Information and Assistance Director J. Michael Grubbs announced the nominations for and recipient of the *Linda Taylor Leigh S.T.A.R. (Service to Area Residents) Award* to recognize excellent customer service by City employees who are nominated by fellow employees or citizens. Grubbs stated that nominations were received and reviewed by an employee committee, and the five nominees were (1) Special Populations Coordinator Brent Belcher of the Parks and Recreation Department, (2) Neighborhood Action Coordinator Karen Foley of the Citizen Information and Assistance Department, (3) Office Associate Beverly Pennington of the Police Department, (4) Animal Control Officers Roxie Ross and Mary Winger of the Police Department, and (5) the Bowling Green Estates response team made up of Code Enforcement Coordinator Alex Colovos, Code Enforcement Inspectors Corby Lambert and Donnie Thompson and Housing Division Manager Vallory Schocke of the Housing and Community Development Department and Fire Prevention Officer Ray Cowles of the Fire Department. With Mayor Walker's assistance, Grubbs presented each nominee with a lapel pin and a display for their work area denoting "I'm a rising star." Grubbs presented the *Linda Taylor Leigh S.T.A.R. Award* for Fiscal Year 2006 to Special Populations Coordinator Brent Belcher.

PUBLIC COMMENTS

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

ANNOUNCEMENT

Mayor Walker announced that at 5:00 p.m. on Thursday, September 7, 2006 there would be a candlelight vigil at Fountain Square Park sponsored by the Barren River Area Suicide Prevention Council to help raise awareness and support the survivors of suicide. All public officials and citizens were invited to attend.

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 discussion of

proposed or pending litigation against or on behalf of the City. Motion was made by Simpson 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: Alcott, Nash, Simpson, Strow 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 1, 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 Alcott to approve said minutes as written. Mayor Walker asked for discussion, and with none, a roll call vote was taken.

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

Motion to approve the minutes of the regular meeting of August 1, 2006 was approved by unanimous vote.

ORDINANCE NO. BG2006 - 27

(Second Reading)

ORDINANCE AMENDING CODE OF ORDINANCES

ORDINANCE AMENDING CHAPTER 6 (BUILDING REGULATIONS) OF THE CITY OF BOWLING GREEN CODE OF ORDINANCES REGARDING DEMOLITION PERMITS AND REVIEW BY THE HISTORIC PRESERVATION BOARD PRIOR TO ISSUANCE

Title and summary of Ordinance No. BG2006 - 27 was read by Assistant City Manager/City Clerk Katie Schaller. Historic Preservation Planner Robin Zeigler reviewed a requested change to the ordinance regarding the removal of language as stated: "No work shall commence under a permit herein for a period of twenty-four (24) hours from the time of issuance of the permit." City Attorney Gene Harmon clarified the ability to make a minor change without requiring a new first reading. With no objections from the Board, that language had been removed prior to second reading. Motion was made by Simpson 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: Alcott, Nash, Simpson and Walker
 Voting Nay: Strow

Ordinance No. BG2006 - 27 was adopted by majority vote.

ORDINANCE NO. BG2006 - 28

(Second Reading)

ORDINANCE AMENDING CODE OF ORDINANCES

ORDINANCE AMENDING CHAPTER 18 (OCCUPATIONAL LICENSE FEES AND TAXES) OF THE CITY OF BOWLING GREEN CODE OF ORDINANCES TO REVISE THE

OCCUPATIONAL LICENSE AND NET PROFIT LICENSE FEES,
AND 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 - 28 was read by the Assistant City Manager/City Clerk. Motion was made by Nash and seconded by Strow for second reading of said Ordinance. Comm. Simpson stated that he had received comments from citizens suggesting that such a change was premature; however, he would support the ordinance. Mayor Walker asked for discussion, and with none, a roll call vote was taken.

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

Ordinance No. BG2006 - 28 was adopted by unanimous vote.

MUNICIPAL ORDER NO. 2006 - 183

MUNICIPAL ORDER APPROVING THE PROMOTION OF
TABITHA JEAN CRUMP TO THE POSITION OF CODE
ENFORCEMENT SUPPORT SPECIALIST IN THE HOUSING AND
COMMUNITY DEVELOPMENT DEPARTMENT

Summary of Municipal Order No. 2006 - 183 was read by the Assistant City Manager/City Clerk. DeFebbo reviewed the promotion and qualifications of the recommended individual. 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: Alcott, Nash, Simpson, Strow and Walker
 Voting Nay: None

Municipal Order No. 2006 - 183 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2006 - 184

MUNICIPAL ORDER APPROVING THE 2006 REVISED
EMERGENCY OPERATIONS PLAN AND AUTHORIZING THE
MAYOR TO EXECUTE ALL NECESSARY DOCUMENTS TO
CARRY OUT THIS APPROVAL

Summary of Municipal Order No. 2006 - 184 was read by the Assistant City Manager/City Clerk. DeFebbo noted that the recommended changes were required by state statute. Motion was made by Strow 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: Alcott, Nash, Simpson, Strow and Walker
 Voting Nay: None

Municipal Order No. 2006 - 184 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2006 - 185

MUNICIPAL ORDER AUTHORIZING AND ACCEPTING BID
#2007-04 FOR AMERICAN POWER CONVERSION EQUIPMENT

FOR POLICE 911 DISPATCH FROM OCEAN COMPUTER GROUP
OF OCEAN, NEW JERSEY IN THE AMOUNT OF \$68,383

Summary of Municipal Order No. 2006 - 185 was read by the Assistant City Manager/City Clerk. DeFebbo recommended the bid award for the purchase of equipment to upgrade the existing emergency power backup system for the Communications Center at Police. Interim Police Chief Jerry Wells and Interim Chief Information Officer Steve Milam responded to questions regarding the source of power for the new system and the use of the remaining balance of budgeted funds for the purchase. 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: Alcott, Nash, Simpson, Strow and Walker
 Voting Nay: None

Municipal Order No. 2006 - 185 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2006 - 186

MUNICIPAL ORDER APPROVING THE PROMOTIONS OF JOHN F. WEATHERBEE TO THE POSITION OF ASSISTANT FIRE CHIEF-PREVENTION, WILLIAM N. HARE TO THE POSITION OF COMPANY COMMANDER/EMT, AND RONALD G. HUDSON TO THE POSITION OF FIRE APPARATUS OPERATOR/EMT IN THE FIRE DEPARTMENT

Summary of Municipal Order No. 2006 - 186 was read by the Assistant City Manager/City Clerk. DeFebbo reviewed the positions and recommendations for 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: Alcott, Nash, Simpson, Strow and Walker
 Voting Nay: None

Municipal Order No. 2006 - 186 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2006 - 187

MUNICIPAL ORDER APPROVING THE PROBATIONARY APPOINTMENT OF ASHLEY DIANE WATT TO THE POSITION OF ASSISTANT CITY CLERK IN THE OFFICE OF THE CITY MANAGER, AND AUTHORIZING SAID EMPLOYEE THE POWER TO ATTEST DOCUMENTS EXECUTED BY THE MAYOR OR OTHER OFFICIALS FOR AND ON BEHALF OF THE CITY OF BOWLING GREEN IN THE ABSENCE OF THE CITY CLERK

Summary of Municipal Order No. 2006 - 187 was read by the Assistant City Manager/City Clerk. DeFebbo reviewed the recommended appointment and the applicant's qualifications. 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: Alcott, Nash, Simpson, Strow and Walker
 Voting Nay: None

Municipal Order No. 2006 - 187 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2006 - 188

MUNICIPAL ORDER APPROVING THE PROBATIONARY APPOINTMENT OF THEODORE LYNDEL WEBB TO THE POSITION OF SENIOR TRADES WORKER IN THE PARKS AND RECREATION DEPARTMENT

Summary of Municipal Order No. 2006 - 188 was read by the Assistant City Manager/City Clerk. DeFebbo reviewed the qualifications of the recommended applicant. 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: Alcott, Nash, Simpson, Strow and Walker
 Voting Nay: None

Municipal Order No. 2006 - 188 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2006 - 189

MUNICIPAL ORDER AUTHORIZING THE MAYOR TO EXECUTE A LEASE AGREEMENT WITH KENTUCKY STATE RALLY CORPORATION TO LEASE FOUNTAIN SQUARE PARK AND DESIGNATED ADJACENT STREETS AND SIDEWALKS ON SEPTEMBER 8, 2006

Summary of Municipal Order No. 2006 - 189 was read by the Assistant City Manager/City Clerk. DeFebbo reviewed the lease agreement for a Harley Rally and parade. 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: Alcott, Nash, Simpson, Strow and Walker
 Voting Nay: None

Municipal Order No. 2006 - 189 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2006 - 190

MUNICIPAL ORDER AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH THE GOVERNOR'S OFFICE FOR LOCAL DEVELOPMENT (GOLD) FOR FUNDING IN THE AMOUNT OF \$75,000 FOR THE HISTORIC RAIL PARK

Summary of Municipal Order No. 2006 - 190 was read by the Assistant City Manager/City Clerk. 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: Alcott, Nash, Simpson, Strow and Walker
 Voting Nay: None

Municipal Order No. 2006 - 190 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2006 - 191

MUNICIPAL ORDER AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH THE GOVERNOR'S OFFICE FOR LOCAL DEVELOPMENT (GOLD) FOR FUNDING IN THE AMOUNT OF \$80,000 FOR THE BOWLING GREEN CHAMBER ORCHESTRA

Summary of Municipal Order No. 2006 - 191 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: Alcott, Nash, Simpson, Strow and Walker
 Voting Nay: None

Municipal Order No. 2006 - 191 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2006 - 192

MUNICIPAL ORDER APPROVING AND AUTHORIZING THE MAYOR TO SIGN AN AGREEMENT FOR EXTENSION OF FIELDS DRIVE WITH BAKERSFIELD WAY PROPERTIES, LLC

Summary of Municipal Order No. 2006 - 192 was read by the Assistant City Manager/City Clerk. DeFebbo reviewed the agreement for development of a portion of a connector road to assist with reducing traffic concerns in the area. City Engineer Jeff Lashlee responded to questions regarding utility easements and the scope of the agreement. 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: Alcott, Nash, Simpson, Strow and Walker
 Voting Nay: None

Municipal Order No. 2006 - 192 was approved by unanimous vote.

With no objections, the Board considered Municipal Order No. 2006 - 195 next at the request of the City Manager.

MUNICIPAL ORDER NO. 2006 - 195

MUNICIPAL ORDER AUTHORIZING A PROFESSIONAL SERVICES CONTRACT THROUGH NONCOMPETITIVE NEGOTIATIONS WITH DDS ENGINEERING, PLLC OF BOWLING GREEN, KENTUCKY FOR SURVEY AND DESIGN SERVICES FOR FIELDS DRIVE EXTENSION PHASE II IN THE AMOUNT OF \$53,250

Summary of Municipal Order No. 2006 - 195 was read by the Assistant City Manager/City Clerk. DeFebbo reviewed the project for the remaining portion of the connector road and the recommendation for professional services. City-County Planning Commission Director Andy Gillies provided an update about the development project for the remaining portion of roadway and the coordination and partnering with property owners. City Engineer Jeff Lashlee explained the timeline

of the project and ability to contract for professional services under noncompetitive negotiations. 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: Alcott, Nash, Simpson, Strow and Walker
 Voting Nay: None

Municipal Order No. 2006 - 195 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2006 – 193

MUNICIPAL ORDER AUTHORIZING AND APPROVING AN OPTION TO RENEW CONTRACTS ACCEPTED BY BID #2006-19 FOR POLICE UNIFORMS FROM BLUEGRASS UNIFORMS OF BOWLING GREEN, KENTUCKY AND SIEGEL'S UNIFORMS, INC. OF EVANSVILLE, INDIANA AT A TOTAL UNIT COST OF \$11,623.70

Summary of Municipal Order No. 2006 - 193 was read by the Assistant City Manager/City Clerk. DeFebbo recommended the renewal of this bid, which would be at the same cost as the previous year. Interim Police Chief Jerry Wells commented about the opportunity to hold down costs for another year. 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: Alcott, Nash, Simpson, Strow and Walker
 Voting Nay: None

Municipal Order No. 2006 - 193 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2006 – 194

MUNICIPAL ORDER AUTHORIZING AND ACCEPTING SECOND YEAR OF CONTRACT AWARDED BY BID #2005-45 FOR AUDIT SERVICES FROM MOUNTJOY & BRESSLER, LLP OF LOUISVILLE, KENTUCKY IN THE AMOUNT OF \$67,500

Summary of Municipal Order No. 2006 - 194 was read by the Assistant City Manager/City Clerk. DeFebbo reviewed the importance and requirement of the external auditing function and recommended the second year of a four-year contract. Chief Financial Officer Jeff Meisel explained the delay in completing the 2004 audit, which was under the former auditing contract with Kirby and Kirby, CPA and the anticipated completion date for the 2005 audit. 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: Alcott, Nash, Simpson, Strow and Walker
 Voting Nay: None

Municipal Order No. 2006 - 194 was approved by unanimous vote.

NOTE: Municipal Order No. 2006 – 195 was previously considered.

MUNICIPAL ORDER NO. 2006 - 196

MUNICIPAL ORDER AUTHORIZING A CHANGE ORDER TO THE CONTRACT WITH IRONWOOD CONSTRUCTION FOR DESIGN/BUILD SERVICES FOR PHASE I OF THE RIVER WALK AT MITCH MCCONNELL PARK IN THE AMOUNT OF \$48,414

Summary of Municipal Order No. 2006 - 196 was read by the Assistant City Manager/City Clerk. DeFebbo reviewed the recommended change orders for a specialty safety system to maintain the hillside. Public Works Project Manager Dan Chaney responded to questions regarding the safety system and maintenance of the hillside. 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: Alcott, Nash, Simpson, Strow and Walker
 Voting Nay: None

Municipal Order No. 2006 - 196 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2006 - 197

MUNICIPAL ORDER AUTHORIZING AND ACCEPTING NEGOTIATIONS AFTER SEALED BIDDING OF BID #2006-59 FOR A CONTRACT WITH GUNTER CONSTRUCTION ROOFING, INC. OF SCOTTSVILLE, KENTUCKY FOR THE RE-ROOFING OF THE HISTORIC HOBSON HOUSE AT RIVERVIEW IN THE AMOUNT OF \$98,730

Summary of Municipal Order No. 2006 - 197 was read by the Assistant City Manager/City Clerk. DeFebbo reviewed the City's responsibility to maintain the Hobson House and he recommended the award for a faux copper roof with a 25 year warranty. 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: Alcott, Nash, Simpson, Strow and Walker
 Voting Nay: None

Municipal Order No. 2006 - 197 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 in order to consider action. Motion was made by Nash and seconded by Strow to add Municipal Order No. 2006 - 198 to the agenda for consideration. With no discussion, a roll call vote was taken.

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

Motion to add Municipal Order No. 2006 - 198 to the agenda was approved by unanimous vote.

MUNICIPAL ORDER NO. 2006 - 198

MUNICIPAL ORDER DECLARING PROPERTIES TO BE SURPLUS PROPERTIES AND APPROVING AND AUTHORIZING EXECUTION OF REAL ESTATE PURCHASE CONTRACT AND DEPOSIT RECEIPT AND DOWNTOWN REDEVELOPMENT AGREEMENT WITH DOUGLAS AND SIEGRID GORMAN

Summary of Municipal Order No. 2006 - 198 was read by the Assistant City Manager/City Clerk. 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: Alcott, Nash, Simpson, Strow and Walker
 Voting Nay: None

Municipal Order No. 2006 - 198 was approved by unanimous vote.

ADJOURNMENT

There being no further business to come before the Board of Commissioners, at approximately 8:40 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 Downtown Redevelopment Authority regarding the Circus Square Project.

ADOPTED: _____

APPROVED: _____
Mayor, Chairman of Board of Commissioners

ATTEST: _____
City Clerk