

**MINUTES of REGULAR MEETING
of the BOARD of COMMISSIONERS
of the CITY of BOWLING GREEN, KENTUCKY
held AUGUST 4, 2009**

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 4, 2009. Mayor Elaine N. Walker called the meeting to order. An invocation was given by Commissioner Bruce Wilkerson, 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 "Slim" Nash, Commissioner Bruce Wilkerson, Commissioner Joe W. Denning, Commissioner Catherine Hamilton and Mayor Elaine N. Walker. Absent: none. There was a full quorum of the Board of Commissioners.

AWARDS & RECOGNITIONS

City Manager Kevin D. DeFebbo stated the Finance Department was awarded a Certificate of Achievement for Excellence in Financial Reporting for the Fiscal Year 2008 Comprehensive Annual Financial Report (CAFR) from the Government Finance Officers Association of the United States and Canada. Chief Financial Officer Jeff Meisel commented about the dedication of his staff and thanked them for all their hard work. The Finance Department staff in attendance were recognized and thanked by the Board of Commissioners.

Mayor Walker announced that the Bowling Green Area Chamber of Commerce was named the Chamber of the Year by the American Chamber of Commerce Executives (ACCE) during its annual conference in the previous week.

CITY MANAGER

City Manager DeFebbo had no comments at this time.

BOARD OF COMMISSIONERS COMMENTS

Comm. Denning, with agreement from the other four Board members, requested that the Board of Commissioners receive documents and materials related to work session discussion items in advance of the work session with distribution of the agenda packets. Mayor Walker also asked that items discussed at the work session not be presented for a vote at a meeting on the same date.

APPROVAL OF MINUTES

Minutes of Regular Meeting July 21, 2009

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 Hamilton to approve said minutes as written. Mayor Walker asked for discussion, and with none, a roll call vote was taken.

ROLL CALL: Voting Yea: Nash, Wilkerson, Denning, Hamilton and Walker

Voting Nay: None

Motion to approve the minutes of the regular meeting of July 21, 2009 was approved by unanimous vote.

PUBLIC COMMENTS

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

MUNICIPAL ORDER NO. 2009 – 155

MUNICIPAL ORDER APPROVING THE REAPPOINTMENTS OF DAVID E. BELL, ROBERT L. DEANE, SHANNON M. SALES AND JAMES R. ADAMS TO THE HUMAN RIGHTS COMMISSION

Summary of Municipal Order No. 2009 - 155 was read by the Assistant City Manager/City Clerk. Motion was made by Wilkerson and seconded by Hamilton for consideration of said Municipal Order. Mayor Walker asked for discussion, and with none, a roll call vote was taken.

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

Municipal Order No. 2009 - 155 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2009 – 156

MUNICIPAL ORDER APPROVING THE PROBATIONARY APPOINTMENT OF BENJAMIN J. BRUSIE TO THE POSITION OF LANDSCAPE GARDENER IN THE PARKS AND RECREATION DEPARTMENT

Summary of Municipal Order No. 2009 – 156 was read by the Assistant City Manager/City Clerk. Motion was made by Wilkerson and seconded by Denning for consideration of said Municipal Order. Recommending the appointment, DeFebbo reviewed the application process and the large volume of work done by the Landscape Division which necessitated the need to fill the position. Mayor Walker asked for additional discussion, and with none, a roll call vote was taken.

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

Municipal Order No. 2009 - 156 was approved by unanimous vote. Mayor Walker commended the Landscape Division staff for all the work done to make the City look beautiful, and in particular Fountain Square Park.

MUNICIPAL ORDER NO. 2009 – 157

MUNICIPAL ORDER APPROVING AMENDMENTS TO THE CITY OF BOWLING GREEN DRUG AND ALCOHOL-FREE WORKPLACE POLICY

Summary of Municipal Order No. 2009 – 157 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 and recommended the proposed changes.

With regard to random testing in section 4.24 of the Drug and Alcohol-Free Workplace Policy, Comm. Nash requested that a specified time limit be established for an employee to proceed for random testing once notified versus the current language which states “proceed immediately”. He inquired how “immediately” was to be quantified and asked why all employees were not to be escorted since testing was so crucial. Safety/Risk Manager David Weisbrodt explained that the intent of the current language was to allow some flexibility for varying circumstances that might prevent an employee from reaching the testing site in a specified time. He also noted that since the testing was based on a random call and not for “reasonable suspicion,” an escort was determined to not be as critical in that situation.

Comm. Nash stated it was not his intent to hold up the approval of this item tonight, but would like to see further research on the issue which could be addressed in the future. Mayor Walker suggested placing a timeframe on the notification form (Appendix C) instead of in the policy. Mr. Weisbrodt commented that could be a possible solution. DeFebbo advised proceeding with approval at this time and agreed to have staff research the time limit for consideration at a later date. Once discussion ended, a roll call vote was taken.

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

Municipal Order No. 2009 - 157 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2009 – 158

MUNICIPAL ORDER OF THE CITY OF BOWLING GREEN, KENTUCKY REQUESTING THAT THE KENTUCKY ECONOMIC DEVELOPMENT FINANCE AUTHORITY ISSUE INDUSTRIAL BUILDING REVENUE BONDS TO FINANCE AN INDUSTRIAL BUILDING PROJECT WITHIN THE CITY FOR GOODWILL INDUSTRIES OF KENTUCKY, INC.

Summary of Municipal Order No. 2009 – 158 was read by the Assistant City Manager/City Clerk. Motion was made by Wilkerson and seconded by Nash for consideration of said Municipal Order. City Attorney Gene Harmon specified that the City would not be obligated in any way to the issuance of these industrial building revenue bonds. He noted that state statute simply required cities and counties to procedurally provide support through this action. Mayor Walker asked for additional discussion, and with none, a roll call vote was taken.

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

Municipal Order No. 2009 - 158 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2009 – 159

MUNICIPAL ORDER AUTHORIZING THE PURCHASE AND INSTALLATION OF HVAC REPLACEMENT EQUIPMENT FOR POLICE HEADQUARTERS UNDER MAINTENANCE, REPAIRS AND REPLACEMENT CONTRACT FROM ROLLIN MECHANICAL OF BOWLING GREEN, KENTUCKY IN THE AMOUNT OF \$35,000

Summary of Municipal Order No. 2009 - 159 was read by the Assistant City Manager/City Clerk. Motion was made by Denning and seconded by Hamilton for consideration of said Municipal Order. DeFebbo reviewed the need to update and replace the air handling units at the Police Headquarters building. Mayor Walker asked for additional discussion, and with none, a roll call vote was taken.

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

Municipal Order No. 2009 - 159 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2009 – 160

MUNICIPAL ORDER AUTHORIZING THE ACCEPTANCE OF A GRANT FROM THE U.S. DEPARTMENT OF JUSTICE, BUREAU OF JUSTICE ASSISTANCE, OFFICE OF JUSTICE PROGRAMS FOR RECOVERY ACT EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT (JAG) FUNDS IN THE AMOUNT OF \$305,258

Summary of Municipal Order No. 2009 - 160 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 and recommended acceptance of grant funds to be shared equally with Warren County. He also stated the City's portion of the funds would be used to purchase in-car cameras for police cruisers and a mobile data computer for the Communications Center. Mayor Walker asked for additional discussion, and with none, a roll call vote was taken.

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

Municipal Order No. 2009 - 160 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2009 – 161

MUNICIPAL ORDER AUTHORIZING THE ACCEPTANCE OF FUNDING FROM THE BOWLING GREEN ENTERPRISE COMMUNITY, INC. FOR THE CONSTRUCTION OF A PICNIC SHELTER AT LEE SQUARE PARK IN THE AMOUNT OF \$56,963

Summary of Municipal Order No. 2009 - 161 was read by the Assistant City Manager/City Clerk. Motion was made by Denning and seconded by Wilkerson for consideration of said Municipal Order. DeFebbo recounted that an eleventh year of Enterprise Community funding was granted and the Enterprise Community Board of Directors had a limited timeframe to spend these funds. He recommended acceptance of the grant funds for an enhancement to a City pocket park. Mayor Walker asked for additional discussion, and with none, a roll call vote was taken.

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

Municipal Order No. 2009 - 161 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2009 – 162

MUNICIPAL ORDER APPROVING A LEASE AGREEMENT WITH COLBEN HOLDINGS, LLC, D/B/A BOWLING GREEN PIPE AND CIGAR FOR LEASE OF A PORTION OF THE PUBLIC SIDEWALK LOCATED AT 434 MAIN AVENUE

Summary of Municipal Order No. 2009 - 162 was read by the Assistant City Manager/City Clerk. Motion was made by Denning and seconded by Wilkerson for consideration of said Municipal Order. DeFebbo reviewed the request from a business for use of the municipal sidewalk. Mayor Walker asked for additional discussion, and with none, a roll call vote was taken.

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

Municipal Order No. 2009 - 162 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2009 – 163

MUNICIPAL ORDER APPROVING AND AUTHORIZING OUT-OF-TOWN TRAVEL EXPENSES FOR MAYOR ELAINE N. WALKER TO SPEAK AT A KENTUCKY LEAGUE OF CITIES EVENT IN LOUISVILLE, KENTUCKY

Summary of Municipal Order No. 2009 - 163 was read by the Assistant City Manager/City Clerk. Motion was made by Wilkerson and seconded by Denning for consideration of said Municipal Order. Mayor Walker asked for discussion, and with none, a roll call vote was taken.

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

Municipal Order No. 2009 - 163 was approved by majority vote.

RESOLUTION NO. 2009 – 3

RESOLUTION REQUESTING CSX TRANSPORTATION, INC. TO PAINT THE RAILROAD BRIDGE OVER THE BARREN RIVER LOCATED NEAR THE INTERSECTION OF LOUISVILLE ROAD AND RIVERVIEW DRIVE

Summary of Resolution No. 2009 - 3 was read by the Assistant City Manager/City Clerk. Motion was made by Denning and seconded by Hamilton for consideration of said Resolution. Comm. Denning reiterated his concerns about the unattractive appearance of the railroad bridge which was located on a major corridor of the City and seen by countless visitors and community residents daily. He encouraged CSX to address the appearance and maintenance of the bridge and requested that CSX provide an immediate response to the City's request. Comm. Denning also requested that the City Manager contact local businessman and philanthropist David Garvin who has offered his assistance with getting the bridge repainted.

Mayor Walker thanked Commissioner Denning for bringing the issue to the forefront and indicated that she recently spoke to Kentucky Representative Jody Richards who was working on

getting all the parties together to discuss a resolution to the issue. With no additional discussion, a roll call vote was taken.

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

Resolution No. 2009 - 3 was approved by unanimous vote.

ADJOURNMENT

There being no further business to come before the Board of Commissioners, at approximately 7:30 p.m., Mayor Walker declared this meeting adjourned.

WORK SESSION

Prior to the regular meeting and with no action taken, the Board of Commissioners (Comm. Nash arrived late) convened at 4:00 p.m. in the Commission Chamber of City Hall for a regular work session to discuss the following subjects: 1) an overview of the Police Department International Communities Liaison Program; 2) an overview of the Tax Increment Financing (TIF) revenue calculation formula for the WKU Gateway to Downtown Bowling Green Development Area; and 3) a report regarding downtown TIF activities presented by the Warren County Downtown Economic Development Authority.

ADOPTED: _____

APPROVED: _____
 Mayor, Chairman of Board of Commissioners

ATTEST: _____
 City Clerk

Minutes prepared by Assistant City Manager/City Clerk Katie Schaller