

**MINUTES of REGULAR MEETING
of the BOARD of COMMISSIONERS
of the CITY of BOWLING GREEN, KENTUCKY
held MARCH 2, 2010**

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 March 2, 2010. Mayor Elaine N. Walker called the meeting to order. An invocation was given by Father Stan, 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 Catherine Hamilton, Commissioner Bruce Wilkerson, Commissioner Joe W. Denning and Mayor Elaine N. Walker. Absent: Commissioner Brian "Slim" Nash. There was a quorum of the Board of Commissioners.

AWARDS & RECOGNITIONS

City Manager Kevin D. DeFebbo recognized Code Enforcement Inspector Tad Douglas who earned his Certified Building Official Certificate and achieved the status of a Master Code Professional designation from the International Code Council. He also stated that Mr. Douglas was among only 572 other individuals in the United States that have earned this level of certification. The Board of Commissioners presented the framed certificate to Mr. Douglas.

CITY MANAGER

Mr. DeFebbo requested that item number 5 (Municipal Order No. 2010 – 34) be moved to the end of the regular agenda and that item number 6 (Municipal Order No. 2010 – 35) be withdrawn from the agenda. There were no objections made to the change in the order of the agenda. Mr. DeFebbo noted that item number 6 would be brought back for discussion at an upcoming work session.

Mr. DeFebbo also requested a closed session for the purpose of discussion between the City and a representative of business entities and for discussions concerning specific proposals, as open discussions would jeopardize the siting, retention, expansion or upgrading of the businesses. Motion was made by Denning and seconded by Hamilton to convene in closed session following the regular meeting pursuant to KRS 61.810 (g). Walker called for roll call vote.

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

 Voting Nay: None

Motion to convene in closed session pursuant to KRS 61.810 (g) was approved by unanimous vote. Mr. DeFebbo confirmed there was action anticipated to follow the closed session.

Commissioner Wilkerson also requested if the Board could convene in closed session to consider the sale of real property by the City as publicity would likely affect the value of the specific piece of property to be sold by the City. Motion was made by Wilkerson and seconded by Hamilton to also convene in closed session pursuant to KRS 61.810 (b). Walker called for roll call vote.

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

 Voting Nay: None

Motion to convene in closed session pursuant to KRS 61.810 (b) was approved by unanimous vote.

APPROVAL OF MINUTES

Minutes of Regular Meeting February 16, 2010

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: Hamilton, Wilkerson, Denning and Walker
 Voting Nay: None

Motion to approve the minutes of the regular meeting of February 16, 2010 was approved by unanimous vote.

PUBLIC COMMENTS

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

ORDINANCE NO. BG2010 - 7
(Second Reading)

ORDINANCE CLOSING A PUBLIC RIGHT-OF-WAY

ORDINANCE APPROVING THE CLOSING OF AN
UNDEVELOPED PORTION OF KAWANISHI WAY IN THE SOUTH
CENTRAL KENTUCKY INDUSTRIAL PARK

Title and summary of Ordinance No. BG2010 - 7 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: Hamilton, Wilkerson, Denning and Walker
 Voting Nay: None

Ordinance No. BG2010 - 7 was adopted by unanimous vote.

ORDINANCE NO. BG2010 - 8
(Second Reading)

ORDINANCE CLOSING A PUBLIC RIGHT-OF-WAY

ORDINANCE APPROVING THE CLOSING OF A PORTION OF
AIRWAY COURT

Title and summary of Ordinance No. BG2010 - 8 was read by the Assistant City Manager/City Clerk. Motion was made by Wilkerson and seconded by Hamilton for second reading of said Ordinance. Mayor Walker asked for discussion, and with none, a roll call vote was taken.

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

Ordinance No. BG2010 - 8 was adopted by unanimous vote.

MUNICIPAL ORDER NO. 2010 - 32

MUNICIPAL ORDER APPROVING THE APPOINTMENT OF
JERRY OLIVER TO THE BOWLING GREEN FIRE DEPARTMENT
BURN VICTIM FUND BOARD OF ADVISORS

Summary of Municipal Order No. 2010 - 32 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 noted that with the recent retirement of Deputy Fire Chief Jerry Oliver, he was an ideal candidate to serve on this board. She asked for additional discussion, and with none, a roll call vote was taken.

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

Municipal Order No. 2010 - 32 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2010 - 33

MUNICIPAL ORDER APPROVING THE CAREER PATH
ADVANCEMENT OF ALAN E. CLINE AND ANTHONY O.
PHELPS TO THE POSITION OF OPERATIONS TECHNICIAN II IN
THE PUBLIC WORKS DEPARTMENT

Summary of Municipal Order No. 2010 - 33 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 career path program, the required completion of training and the continued value these two individuals have to this organization. Mayor Walker asked for additional discussion, and with none, a roll call vote was taken.

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

Municipal Order No. 2010 - 33 was approved by unanimous vote.

NOTE: Municipal Order No. 2010 - 34 was moved to the end of the regular agenda.

MUNICIPAL ORDER NO. 2010 - 35

MUNICIPAL ORDER APPROVING CHANGES IN THE RISK
MANAGEMENT MANUAL (FORMERLY THE LOSS CONTROL
MANAGEMENT AND SAFETY POLICIES AND PROCEDURES
MANUAL) FOR THE CITY OF BOWLING GREEN, KENTUCKY

Municipal Order No. 2010 - 35 was previously withdrawn from the agenda.

MUNICIPAL ORDER NO. 2010 - 36

MUNICIPAL ORDER AUTHORIZING AND ACCEPTING BID
#2010-13 FOR STATE STREET DRAINAGE IMPROVEMENTS
FROM CHARLES DEWEESE CONSTRUCTION, INC. OF
FRANKLIN, KENTUCKY IN THE AMOUNT OF \$178,274.85

Summary of Municipal Order No. 2010 - 36 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 explained that the City's Year 5 Community Development Block Grant (CDBG) funding was increased with stimulus money through the American Recovery and Reinvestment Act of 2009 (ARRA). He indicated that these funds, in combination with other funds from a different source, were approved for use to improve stormwater infrastructure in the downtown area that would compliment work being completed by the Chapter 58 Corporation (also known as Warren County Downtown Economic Development Authority, Inc.) in Block 6 of the WKU Gateway to Downtown Bowling Green Tax Increment Financing (TIF) District. Mayor Walker asked for additional discussion, and with none, a roll call vote was taken.

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

Municipal Order No. 2010 - 36 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2010 - 37

MUNICIPAL ORDER AUTHORIZING AND ACCEPTING BID #2010-28 FOR SLOAN CONVENTION CENTER CHAIRS FROM MITY-LITE OF OREM, UTAH IN THE AMOUNT NOT TO EXCEED \$133,000

Summary of Municipal Order No. 2010 - 37 was read by the Assistant City Manager/City Clerk. Motion was made by Wilkerson and seconded by Hamilton for consideration of said Municipal Order. DeFebbo reviewed the recommended bid award to replace 15-year old chairs at the Convention Center. Comm. Hamilton made a motion, seconded by Wilkerson, to table Municipal Order No. 2010 - 37 to allow the Convention Center Corporation to obtain more information about this purchase. With no additional discussion, a roll call vote was taken.

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

Motion to table Municipal Order No. 2010 - 37 was approved by majority vote.

MUNICIPAL ORDER NO. 2010 - 38

MUNICIPAL ORDER APPROVING A CONTRACT THROUGH NONCOMPETITIVE NEGOTIATIONS WITH INTERNATIONAL POLICE TECHNOLOGIES OF TULSA, OKLAHOMA UNDER THE GSA CONTRACT FOR THE PURCHASE OF DIGITAL IN-CAR CAMERAS IN THE TOTAL AMOUNT OF \$36,680

Summary of Municipal Order No. 2010 - 38 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 specified that it has been a public safety goal to provide in-car cameras for all patrol vehicles. He recommended the purchase which was funded by the 2009 Edward Byrne Memorial Justice Assistance Grant (JAG). Mayor Walker asked for additional discussion, and with none, a roll call vote was taken.

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

Municipal Order No. 2010 - 38 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2010 - 39

MUNICIPAL ORDER APPROVING AND AUTHORIZING THE
SUBMISSION OF A REQUEST FOR INFORMATION TO GOOGLE,
INC. FOR THE GOOGLE FIBER FOR COMMUNITIES PROJECT

Summary of Municipal Order No. 2010 - 39 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 recommended that the City explore an opportunity presented by Google to be considered for a special project that would benefit the community. Chief Information Officer Lynn Hartley outlined the request to submit an application and gave an example to describe the potential capabilities that this project would offer with regard to internet access. In response to a question from Comm. Wilkerson, Mr. Hartley confirmed that he was preparing information regarding the City's wireless network for discussion at an upcoming work session. Mayor Walker asked for additional discussion, and with none, a roll call vote was taken.

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

Municipal Order No. 2010 - 39 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2010 - 40

MUNICIPAL ORDER APPROVING AMENDMENT TO TRAFFIC
FEATURE MAP RELATED TO INSTALLATION OF STOP SIGNS
ON BOTH NORTH SUNRISE DRIVE APPROACHES TO THE
INTERSECTION OF COVE DRIVE AND WOODWAY STREET

Summary of Municipal Order No. 2010 - 40 was read by the Assistant City Manager/City Clerk. Motion was made by Wilkerson and seconded by Hamilton for consideration of said Municipal Order. DeFebbo reviewed the request for stop signs to address a potentially unsafe situation. He noted that he was not aware of any comments received to date from area residents for or against the installation. Public Works Director Emmett Wood described the location and the staff's concerns with the conditions at this intersection, specifically site distance limitations. Mayor Walker commented that this was an excellent example of the new policy working at its best. She asked for additional discussion, and with none, a roll call vote was taken.

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

Municipal Order No. 2010 - 40 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2010 - 41

MUNICIPAL ORDER APPROVING AMENDMENT TO TRAFFIC
FEATURE MAP RELATED TO INSTALLATION OF A STOP SIGN
AT THE INTERSECTION OF THE NEW 6TH AVENUE AND AN
ACCESS ROAD, WHICH CONNECTS TO 6TH AVENUE EAST

Summary of Municipal Order No. 2010 - 41 was read by the Assistant City Manager/City Clerk. Motion was made by Wilkerson and seconded by Hamilton for consideration of said Municipal

Order. DeFebbo reviewed the request presented by staff for installation of a stop sign to reduce the possibility of an incident as cars enter a heavily used state highway. Public Works Director Emmett Wood described the location and outlined the staff's concerns. Comm. Denning commented that there were fewer houses on the access road (6th Avenue East) now and was confused about why this was a concern. Mr. DeFebbo explained that there was an increase in parking on the access road associated with the development of the ballpark and the performing arts center.

In response to questions about street maintenance, Mr. Wood confirmed there was no change to the City's responsibilities related to the right-of-way. Comm. Denning acknowledged the changes occurring in the downtown, but was not sure a stop sign was needed in that location.

Comm. Wilkerson inquired about the process with respect to when actions should be taken which would follow approval of changes by the Board of Commissioners. Mr. Wood confirmed that absent an eminent emergency the Public Works Department would not implement any changes to the Traffic Feature Map before the Board's consideration and approval.

Mayor Walker inquired if the City would be liable if an incident occurred and the City did not act to address any identified safety issues. City Attorney Gene Harmon indicated that there was always some liability but that it would be minimal. With no additional discussion, a roll call vote was taken.

ROLL CALL: Voting Yea: Walker
 Voting Nay: Hamilton, Wilkerson and Denning
Municipal Order No. 2010 - 41 was defeated by majority vote.

ORDINANCE NO. BG2010 - 9
(First Reading)
ORDINANCE AMENDING CODE OF ORDINANCES

ORDINANCE AMENDING CHAPTER 2 (ADMINISTRATION),
SUBCHAPTER 2-25 (BOWLING GREEN-WARREN COUNTY
MILITARY LIAISON BOARD) OF THE CITY OF BOWLING
GREEN CODE OF ORDINANCES TO APPROVE CHANGES
RECOMMENDED BY THE BOWLING GREEN-WARREN COUNTY
MILITARY LIAISON BOARD

Title and summary of Ordinance No. BG2010 - 9 was read by the Assistant City Manager/City Clerk. Motion was made by Wilkerson and seconded by Hamilton for first reading of said Ordinance. Mayor Walker indicated that these changes were requested by the Military Liaison Board which would mirror changes made to the Board's bylaws regarding its membership. Comm. Wilkerson agreed that it made sense to include the Commander of American Legion Post #23 and the Commander of VFW Post #1298 to the membership since those were elected positions. Mayor Walker asked for additional discussion, and with none, a roll call vote was taken.

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

First reading of Ordinance No. BG2010 - 9 was approved by unanimous vote.

ORDINANCE NO. BG2010 - 10
(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 2010

Title and summary of Ordinance No. BG2010 - 10 was read by the Assistant City Manager/City Clerk. Motion was made by Wilkerson and seconded by Hamilton for first reading of said Ordinance. DeFebbo reviewed and recommended the proposed budget amendments. Mayor Walker asked for additional discussion, and with none, a roll call vote was taken.

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

First reading of Ordinance No. BG2010 - 10 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2010 - 42

MUNICIPAL ORDER AMENDING THE FISCAL YEAR 2010
AGENCY ALLOCATION SCHEDULE TO REDUCE THE FOURTH
QUARTER DISTRIBUTION PAYMENTS TO VARIOUS CITY
CREATED / CONTRACT AGENCIES

Summary of Municipal Order No. 2010 - 42 was read by the Assistant City Manager/City Clerk. Motion was made by Wilkerson and seconded by Hamilton for consideration of said Municipal Order. DeFebbo recounted that this proposal, for mid-year reductions to agency funding along with a myriad of other reductions to address an anticipated \$1.5 million shortfall in revenue collections this fiscal year, was discussed during the Board's Strategic Planning Session in January. He noted that the contract agencies had traditionally been spared from mid-year cuts; however, they were now recommended for inclusion to spread the burden across all departments and agencies.

In response to a question from Comm. Denning, Ms. Schaller confirmed that these reduction amounts would not specifically carryover to the upcoming annual budget process for agency funding. Ms. Schaller reviewed the Agency Allocation Schedule and the adjustments to the fourth quarter payments only. Mayor Walker stated that given the fact that the City's budget was impacted, it was only fair to also ask agencies to contribute their share. She also remarked that no one agency was being singled out since all were being impacted in the same manner. Once all discussion ended, a roll call vote was taken.

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

Municipal Order No. 2010 - 42 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2010 - 43

MUNICIPAL ORDER APPROVING TAX INCREMENT FINANCING
DISTRICT SUMMARY OF 2008 INCREMENTAL REVENUE AND
AUTHORIZING DISTRIBUTION OF \$30,937 TO WARREN
COUNTY DOWNTOWN ECONOMIC DEVELOPMENT
AUTHORITY, INC.

Summary of Municipal Order No. 2010 - 43 was read by the Assistant City Manager/City Clerk. Motion was made by Wilkerson and seconded by Hamilton for consideration of said Municipal Order. DeFebbo reported that, as agreed to, 80% of the incremental growth in the downtown TIF District was payable to the Warren County Downtown Economic Development Authority and represented a one year period. He also reported that \$22,000 of this amount came from growth in existing businesses. Mayor Walker asked for additional discussion, and with none, a roll call vote was taken.

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

Municipal Order No. 2010 - 43 was approved by majority vote.

MUNICIPAL ORDER NO. 2010 - 34

MUNICIPAL ORDER APPROVING AMENDMENT TO SECTION 2-4.4 OF THE ADMINISTRATIVE PERSONNEL POLICY AND PROCEDURES MANUAL FOR CLASSIFIED EMPLOYEES

Summary of Municipal Order No. 2010 - 34 was read by the Assistant City Manager/City Clerk. Motion was made by Wilkerson and seconded by Hamilton for consideration of said Municipal Order. DeFebbo specified that a policy revision to change the methodology for calculating overtime based on time actually worked over forty hours in a week was also discussed during the Board's Strategic Planning Session in January. He revealed that past practices included leave time in the calculation for overtime regardless of time actually worked.

Comm. Wilkerson noted that Commissioner Nash wanted to be present for the discussion of this item and asked if the Board would consider waiting a little longer before continuing the discussion to allow more time for Comm. Nash to arrive from another event. Mayor Walker pointed out that the item was postponed to the end of the agenda at Comm. Nash's request, but there was no indication when Comm. Nash would arrive, if at all. City Attorney Gene Harmon suggested that the Board could take a five minute break and someone could try to reach Comm. Nash to find out if he was on his way before proceeding with the discussion.

BRIEF RECESS

At approximately 7:45 p.m., the Board of Commissioners took a brief recess.

RECONVENE

The Board of Commissioners reconvened at approximately 7:50 p.m. to continue its discussion of Municipal Order No. 2010 - 34. During the break, it was determined that Comm. Nash would not be able to attend the meeting at all.

Mr. DeFebbo explained that pursuant to labor laws the City was not required to pay overtime for time not actually worked and this proposed change in policy would potentially save the City an estimated \$200,000 annually. City Attorney Gene Harmon stated that the new policy would not impact the firefighters scheduled overtime pay since that was built into their annual salary. It would, however, affect unscheduled overtime for firefighters which was an issue brought to light during discussions of firefighter overtime stemming from a statewide ruling by the Kentucky Labor Cabinet

pertaining to the training incentive paid by the State. Once all discussion concluded, a roll call vote was taken.

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

Municipal Order No. 2010 - 34 was approved by unanimous vote.

CLOSED SESSION

Following a brief recess to clear the Commission Chamber, the Board of Commissioners met at approximately 8:00 p.m. in closed session pursuant to KRS 61.810 (b) and (g) as previously approved.

RECONVENE IN OPEN SESSION

Once all discussion concluded in closed session, the Board of Commissioners reconvened in open session at approximately 8:15 p.m. to consider action. Motion was made by Hamilton and seconded by Wilkerson to add Municipal Order Nos. 2010 - 44 and 2010 - 45 to the agenda for consideration. With no discussion, a roll call vote was taken.

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

Motion to add Municipal Order Nos. 2010 - 44 and 2010 - 45 to the agenda was approved by unanimous vote.

MUNICIPAL ORDER NO. 2010 - 44

MUNICIPAL ORDER APPROVING A JOB DEVELOPMENT INCENTIVE FUND EMPLOYEE WITHHOLDINGS CREDIT AGREEMENT WITH OWL'S HEAD ALLOYS

Summary of Municipal Order No. 2010 - 44 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: Hamilton, Wilkerson, Denning and Walker
 Voting Nay: None

Municipal Order No. 2010 - 44 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2010 - 45

MUNICIPAL ORDER APPROVING AMENDMENT TO THE JOB DEVELOPMENT INCENTIVE FUND EMPLOYEE WITHHOLDINGS CREDIT AGREEMENT WITH KERR GROUP, INC.

Summary of Municipal Order No. 2010 - 45 was read by the Assistant City Manager/City Clerk. Motion was made by Hamilton and seconded by Wilkerson for consideration of said Municipal Order. Mayor Walker asked for discussion, and with none, a roll call vote was taken.

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

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Voting Nay: None

Municipal Order No. 2010 - 45 was approved by unanimous vote.

ADJOURNMENT

There being no further business to come before the Board of Commissioners, at approximately 8:20 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