

**MINUTES of REGULAR MEETING
of the BOARD of COMMISSIONERS
of the CITY of BOWLING GREEN, KENTUCKY
held NOVEMBER 17, 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 November 17, 2009. Mayor Elaine N. Walker called the meeting to order. An invocation was given by Ministry Coordinator Bryan Lewis of Hope House Ministries, 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 Brian "Slim" Nash, Commissioner Bruce Wilkerson, Commissioner Joe W. Denning and Mayor Elaine N. Walker. Absent: none. There was a full quorum of the Board of Commissioners.

AWARDS & RECOGNITIONS

Historic Preservation Planner Miranda Clements, filling in for Operation P.R.I.D.E. Executive Director Ray Lackey, announced the monthly awards for improvements made to residential and non-residential property. The residential award went to Bob Basham and Jennifer Lee Basham for their property at 741 East 11th Avenue (also known as the Hill House). The commercial award was presented to Greenwood Courtyard located at 2425 Scottsville Road, owner Larry Halcomb accepted the award.

Mayor Walker congratulated Public Works Operations Technician III Brent Brawner and Crew Leader Ryan Johnson who both completed the Road Master Program and received certificates from the Kentucky Transportation Center.

CITY MANAGER

City Manager Kevin D. DeFebbo stated that item number 2 (second reading of Ordinance No. BG2009 – 32) regarding the rezoning of property located at 401 Emmett Avenue has been withdrawn from tonight's agenda by request of the property owner and would be brought back for final consideration at the next regular meeting of the Board of Commissioners.

Mr. DeFebbo requested a closed session for the purpose of discussion concerning a specific proposal, as open discussions would jeopardize the siting, retention, expansion or upgrading of the business. Motion was made by Wilkerson and seconded by Nash 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, Nash, 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 indicated that action by the Board of Commissioners was anticipated to follow the closed session.

In addition, Mr. DeFebbo commended the Police Department for its handling of the situation on Nutwood Street in the previous week where an individual barricaded himself into his mother's home and ultimately committed suicide. Commissioner Denning suggested that the Board of Commissioners send a letter to the Owensboro Police Department and Kentucky State Police to thank

them for their support and assistance during the two-day incident. There was no objection noted, so Mayor Walker stated a letter would be sent under signature of all Board members.

Finally, in regard to a recent newspaper article about collection of parking ticket fines, Mr. DeFebbo assured the public that the City has been working on the situation and he thanked the Internal Auditor for bringing the issue forward. He stated the City was working on a long-term solution to address the collection of those fines in a more effective and efficient manner. He also stated the City was taking this opportunity to look at all collections of revenues across all funds and all areas and would be reporting to the Board new processes and protocols related to not only parking tickets, but also collection of occupational tax revenues and other revenues that are in question.

APPROVAL OF MINUTES

Minutes of Regular Meeting November 3, 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: Hamilton, Nash, Wilkerson, Denning and Walker
 Voting Nay: None

Motion to approve the minutes of the regular meeting of November 3, 2009 was approved by unanimous vote.

PUBLIC COMMENTS

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

ORDINANCE NO. BG2009 - 31

(Second Reading)

ORDINANCE REZONING REAL ESTATE

ORDINANCE REZONING A TRACT OF LAND CONTAINING 0.588 ACRE FROM RM-4 (MULTI-FAMILY RESIDENTIAL) TO GB (GENERAL BUSINESS) LOCATED AT 529 PARK STREET, WITH BINDING ELEMENTS, PRESENTLY OWNED BY DWC PROPERTIES, LLC AND CROWE-WHEELER & ASSOCIATES

Title and summary of Ordinance No. BG2009 - 31 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, Nash, Wilkerson, Denning and Walker
 Voting Nay: None

Ordinance No. BG2009 - 31 was adopted by unanimous vote.

NOTE: Ordinance No. BG2009 - 32 was previously withdrawn from the agenda.

ORDINANCE NO. BG2009 - 33

(Second Reading)

ORDINANCE AMENDING CODE OF ORDINANCES

ORDINANCE AMENDING CHAPTER 6 (BUILDING REGULATIONS), SUBCHAPTER 6-13 (CONTRACTORS LICENSING) OF THE CITY OF BOWLING GREEN CODE OF ORDINANCES TO APPROVE A RECOMMENDATION FROM THE CONTRACTORS LICENSING BOARD TO ESTABLISH CONTINUING EDUCATION REQUIREMENTS FOR GENERAL CONTRACTORS

Title and summary of Ordinance No. BG2009 - 33 was read by the Assistant City Manager/City Clerk. Motion was made by Wilkerson 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: Hamilton, Nash, Wilkerson, Denning and Walker
Voting Nay: None

Ordinance No. BG2009 - 33 was adopted by unanimous vote.

MUNICIPAL ORDER NO. 2009 - 226

MUNICIPAL ORDER AUTHORIZING AND ACCEPTING NEGOTIATIONS AFTER SEALED BIDDING FOR BID #2010-03 FOR ROOF REPLACEMENT AT THE AIRPORT FIRE STATION FROM MELSON ROOFING OF COLUMBIA, KENTUCKY IN THE AMOUNT OF \$71,147

Summary of Municipal Order No. 2009 - 226 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 provided an overview of the comprehensive plan to update several Fire Department facilities, noting that the Airport Station was the last on the list. He also indicated that in order to address an immediate leaky roof, the roof repair would proceed before additional improvements to the Airport Station would be finalized. He reviewed the bidding process and the need to negotiate with bidders to bring the replacement within budget. Mayor Walker asked for additional discussion, and with none, a roll call vote was taken.

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

Municipal Order No. 2009 - 226 was approved by unanimous vote.

ORDINANCE NO. BG2009 - 34

(First Reading)

ORDINANCE AMENDING CODE OF ORDINANCES

ORDINANCE AMENDING CHAPTER 3 (AIRPORT REGULATIONS) OF THE CITY OF BOWLING GREEN CODE OF ORDINANCES TO MAKE REVISIONS REQUESTED BY THE BOWLING GREEN-WARREN COUNTY REGIONAL AIRPORT BOARD

Title and summary of Ordinance No. BG2009 - 34 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 the revisions recommended by the Airport Board which mirrored language in Kentucky Revised Statutes. Mayor Walker asked for additional discussion, and with none, a roll call vote was taken.

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

First reading of Ordinance No. BG2009 - 34 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2009 - 227

MUNICIPAL ORDER CONFIRMING AND APPROVING THE
REAPPOINTMENTS OF GARY COUNTS AND CHARLES A.
MOSLEY TO THE CONTRACTORS LICENSING BOARD

Summary of Municipal Order No. 2009 - 227 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 recommended the two reappointments. Comm. Wilkerson requested a correction to the accompanying list of attendees of the Contractors Licensing Board meetings to reflect that he had replaced former Commissioner Brian Strow and had been attending the meetings since January 2009. Contractors Licensing Board Executive Director Bob Appling apologized for the oversight and agreed to make the change. Mayor Walker asked for additional discussion, and with none, a roll call vote was taken.

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

Municipal Order No. 2009 - 227 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2009 - 228

MUNICIPAL ORDER APPROVING PLANS FOR USE OF 301
STATE STREET AND 415 E. 3RD AVENUE AS SUBMITTED BY
THE HOUSING AUTHORITY OF BOWLING GREEN AND
AUTHORIZING CONVEYANCE OF THESE PROPERTIES TO THE
HOUSING AUTHORITY OF BOWLING GREEN

Summary of Municipal Order No. 2009 - 228 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 proposal by the Housing Authority to remodel the building at the corner of 301 State Street for continued commercial use. Comm. Denning expressed his concerns with on-street parking in that block of State Street and 3rd Avenue and requested that on-street parking be restricted on both sides of the street to prevent any traffic issues from developing at the corner. Mayor Walker asked for additional discussion, and with none, a roll call vote was taken.

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

Municipal Order No. 2009 - 228 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2009 – 229

MUNICIPAL ORDER RESCINDING MUNICIPAL ORDER NO.
2004-106 CREATING A CITY/COUNTY PLANNING AND ZONING
LIAISON COMMITTEE

Summary of Municipal Order No. 2009 – 229 was read by the Assistant City Manager/City Clerk. Motion was made by Wilkerson and seconded by Nash 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, Nash, Wilkerson, Denning and Walker
 Voting Nay: None

Municipal Order No. 2009 - 229 was approved by unanimous vote. Editor's note: this item was discussed during three previous work sessions of the Board of Commissioners on March 3, October 20 and November 3, 2009.

MUNICIPAL ORDER NO. 2009 – 230

MUNICIPAL ORDER APPROVING A CONTRACT WITH BARREN
RIVER AREA DEVELOPMENT DISTRICT (BRADD) FOR
PROFESSIONAL SERVICES FOR THE ENERGY EFFICIENCY
AND CONSERVATION BLOCK GRANT (EECBG) FUND
PROGRAMS

Summary of Municipal Order No. 2009 - 230 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 reiterated that the City was recently awarded \$585,600 of which \$295,000 would be used to benefit the community and those programs (rethinking transportation ride-share program, mini-energy grants and financial incentive program project grants) would be administered by BRADD. Mayor Walker noted that an additional \$5,000 was dedicated for the bicycle friendly community. She asked for additional discussion, and with none, a roll call vote was taken.

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

Municipal Order No. 2009 - 230 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2009 – 231

MUNICIPAL ORDER APPROVING AND AUTHORIZING OUT-OF-
TOWN TRAVEL EXPENSES AND REIMBURSEMENT FOR
MAYOR ELAINE N. WALKER TO ATTEND THE NATIONAL
LEAGUE OF CITIES (NLC) ANNUAL LEADERSHIP SUMMIT IN
LOUISVILLE, KENTUCKY

Summary of Municipal Order No. 2009 - 231 was read by the Assistant City Manager/City Clerk. Motion was made by Hamilton and seconded by Denning for consideration of said Municipal Order. Mayor Walker explained that she was asked to assist with coordination of this year's leadership summit in exchange for which her hotel and attendance at the summit were covered by NLC. She noted the only expenses not covered related to mileage and parking for her personal vehicle. She asked for additional discussion, and with none, a roll call vote was taken.

ROLL CALL: Voting Yea: Hamilton and Denning
 Voting Nay: Nash and Wilkerson
 Abstaining: Walker

Municipal Order No. 2009 - 231 failed for lack of a majority vote. City Attorney Gene Harmon confirmed that a two-two vote meant the item did not pass approval. Comm. Wilkerson stated that he voted against the reimbursement because he was under the impression that travel funds were reserved for trips to the U.S. Conference of Mayors and the Kentucky League of Cities, not the National League of Cities.

MUNICIPAL ORDER NO. 2009 – 232

MUNICIPAL ORDER APPROVING AND AUTHORIZING OUT-OF-TOWN TRAVEL EXPENSES AND REIMBURSEMENT FOR MAYOR ELAINE N. WALKER TO ATTEND THE KENTUCKY LEAGUE OF CITIES 2009 CONFERENCE IN COVINGTON, KENTUCKY

Summary of Municipal Order No. 2009 - 232 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, Nash, Wilkerson and Denning
 Voting Nay: None
 Abstaining: Walker

Municipal Order No. 2009 - 232 was approved by majority vote.

MUNICIPAL ORDER NO. 2009 – 233

MUNICIPAL ORDER APPROVING AND AUTHORIZING OUT-OF-TOWN TRAVEL EXPENSES AND REIMBURSEMENT FOR MAYOR ELAINE N. WALKER TO ATTEND U.S. CONFERENCE OF MAYORS 2009 FALL MEETING IN SEATTLE, WASHINGTON

Summary of Municipal Order No. 2009 - 233 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 stated that as First Vice President of the Kentucky League of Cities Board of Directors, KLC would reimburse the City for all expenses related to this travel. She asked for additional discussion, and with none, a roll call vote was taken.

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

Municipal Order No. 2009 - 233 was approved by majority vote.

MUNICIPAL ORDER NO. 2009 – 234

MUNICIPAL ORDER APPROVING AND AUTHORIZING OUT-OF-TOWN TRAVEL EXPENSES AND REIMBURSEMENT FOR MAYOR ELAINE N. WALKER TO SPEAK AT THE NATIONAL PRESERVATION CONFERENCE IN NASHVILLE, TENNESSEE

Summary of Municipal Order No. 2009 - 234 was read by the Assistant City Manager/City Clerk. Motion was made by Hamilton and seconded by Denning for consideration of said Municipal Order. Mayor Walker responded to a question from Comm. Denning to explain that the expenses were for mileage and parking related to the use of her personal vehicle. She asked for additional discussion, and with none, a roll call vote was taken.

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

Municipal Order No. 2009 - 234 was approved by majority vote.

MUNICIPAL ORDER NO. 2009 – 235

MUNICIPAL ORDER APPROVING AND AUTHORIZING OUT-OF-TOWN TRAVEL EXPENSES AND REIMBURSEMENT FOR MAYOR ELAINE N. WALKER TO ATTEND THE KENTUCKY PUBLIC TRANSPORTATION INFRASTRUCTURE AUTHORITY MEETING IN FRANKFORT, KENTUCKY

Summary of Municipal Order No. 2009 - 235 was read by the Assistant City Manager/City Clerk. Motion was made by Hamilton and seconded by Denning for consideration of said Municipal Order. In response to a question from Comm. Denning, Mayor Walker stated that the expenses for this trip were paid by the State and that there was no cost to the City for this travel. She asked for additional discussion, and with none, a roll call vote was taken.

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

Municipal Order No. 2009 - 235 was approved by majority vote.

CLOSED SESSION

Following a brief recess to clear the Commission Chamber, the Board of Commissioners met at approximately 7:35 p.m. in closed session pursuant to KRS 61.810 (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 7:40 p.m. to consider action. Motion was made by Wilkerson and seconded by Denning to add Municipal Order No. 2009 – 236 to the agenda for consideration. With no discussion, a roll call vote was taken.

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

Motion to add Municipal Order No. 2009 – 236 to the agenda was approved by unanimous vote.

MUNICIPAL ORDER NO. 2009 – 236

MUNICIPAL ORDER APPROVING A JOB DEVELOPMENT
INCENTIVE FUND EMPLOYEE WITHHOLDINGS CREDIT
AGREEMENT WITH METALWORKS RECYCLE-RELOAD, LLC

Summary of Municipal Order No. 2009 - 236 was read by the Assistant City Manager/City Clerk. Motion was made by Wilkerson and seconded by Hamilton for consideration of said Municipal Order. Chief Financial Officer Jeff Meisel provided an overview of the Job Development Incentive Fund (JDIF) Agreement and the ten-year incentive to provide a credit of 1% of gross wages from employee withholdings fees for 20 new jobs related to an expansion project. Mayor Walker noted this was the first local incentive to be approved under the new State incentive program. She asked for additional discussion, and with none, a roll call vote was taken.

ROLL CALL: Voting Yea: Hamilton, Nash, Wilkerson, Denning and Walker
 Voting Nay: None
Municipal Order No. 2009 - 236 was approved by unanimous vote.

ADJOURNMENT

There being no further business to come before the Board of Commissioners, at approximately 7:45 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