

**MINUTES of REGULAR MEETING
of the BOARD of COMMISSIONERS
of the CITY of BOWLING GREEN, KENTUCKY
held DECEMBER 16, 2008**

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 December 16, 2008. 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 Joe W. Denning, Commissioner Brian "Slim" Nash, Commissioner Bruce Wilkerson and Mayor Elaine N. Walker. Absent: Commissioner Brian K. Strow. There was a quorum of the Board of Commissioners.

OPERATION P.R.I.D.E. AWARDS

Operation P.R.I.D.E. Executive Director Ray Lackey presented two awards for the month of January 2009 for improvements to residential and non-residential property. The first award was given to Kelley and Stan Reagan for their property located at 1931 Detour Road and the second award was given to Williamsburg Square at 870 Fairview Avenue. Ellen Buchanon accepted the award for Williamsburg Square.

RECOGNITIONS

Mayor Walker announced that Police Captain Melanie Watts recently graduated as a Dean's Scholar from the 120th Officer's Administrative Course at the Southern Police Institute, a division of the Department of Justice Administration, College of Arts and Sciences, University of Louisville.

City Manager Kevin DeFebbo recognized Human Resources Director Michele Tolbert who was attending her last Board of Commissioners meeting as an employee of the City. He announced that Ms. Tolbert would be retiring at the end of the month and he thanked her for her years of service and dedication to the City. Mayor Walker also expressed her appreciation.

CITY MANAGER

City Manager Kevin DeFebbo requested a closed session for the purpose of discussion on the future acquisition and sale of real property by the City as publicity would likely affect the value of the specific pieces of property to be acquired for public use or sold, for proposed and pending litigation on behalf of the City and against the City, and for discussion between the City and a representative of business entities and discussions concerning specific proposals, if open discussions would jeopardize the siting, retention, expansion or upgrading of the businesses. Motion was made by Wilkerson and seconded by Nash to convene in closed session following the regular meeting pursuant to KRS 61.810 (b), (c) and (g). Walker called for roll call vote.

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

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

APPROVAL OF MINUTES

Minutes of Regular Meeting December 2, 2008

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

Motion to approve the minutes of the regular meeting of December 2, 2008 was approved by unanimous vote.

PUBLIC COMMENTS

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

CONSENT AGENDA

Mayor Walker withdrew item number 6 (Municipal Order No. 2008 – 291) approving reappointments to the Inter-Modal Transportation Authority, Inc. (ITA) from the Consent Agenda and subsequently from the entire agenda. She asked if there were any other items to be removed from the Consent Agenda prior to its consideration. With none, Assistant City Manager/City Clerk Katie Schaller read the summaries of each of the following items:

MUNICIPAL ORDER NO. 2008 – 286

MUNICIPAL ORDER AUTHORIZING THE SUBMISSION OF A LETTER OF INTENT TO APPLY FOR TRANSPORTATION ENHANCEMENT FUNDS IN THE AMOUNT OF \$241,348 FOR THE FRIENDS OF L & N DEPOT, INC.

MUNICIPAL ORDER NO. 2008 – 287

MUNICIPAL ORDER ACCEPTING AND AUTHORIZING THE MAYOR TO EXECUTE A GRANT AGREEMENT ON BEHALF OF THE CITY OF BOWLING GREEN WITH THE KENTUCKY JUSTICE AND PUBLIC SAFETY CABINET FOR FEDERAL VICTIMS OF CRIME ACT (VOCA) 2008 FUNDS IN THE AMOUNT OF \$32,500

MUNICIPAL ORDER NO. 2008 – 288

MUNICIPAL ORDER AUTHORIZING THE ACCEPTANCE OF 2009 GRANT FUNDS FROM THE APPALACHIA HIGH INTENSITY DRUG TRAFFICKING AREA (HIDTA) THROUGH THE OFFICE OF NATIONAL DRUG CONTROL POLICY IN THE AMOUNT OF \$28,000

MUNICIPAL ORDER NO. 2008 – 289

MUNICIPAL ORDER APPROVING CONSTRUCTION AND ACCEPTING MAINTENANCE OF VARIOUS STREETS IN TALBOTT PLACE SUBDIVISION, SECTION FOUR

MUNICIPAL ORDER NO. 2008 – 290

MUNICIPAL ORDER APPROVING THE REAPPOINTMENT OF TIMOTHY D. HUSTON TO THE OPERATION P.R.I.D.E. BOARD OF DIRECTORS

Motion was made by Wilkerson and seconded by Nash for acceptance of the Consent Agenda as presented. With no discussion, a roll call vote was taken.

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

Motion to accept the Consent Agenda as presented was approved by unanimous vote.

REGULAR AGENDA

ORDINANCE NO. BG2008 – 62
(Second Reading)

ORDINANCE AMENDING CODE OF ORDINANCES

ORDINANCE AMENDING CHAPTERS 9 (CRIMES AND OFFENSES) AND 19 (POLICE) OF THE CITY OF BOWLING GREEN CODE OF ORDINANCES, RENAMING CHAPTER 9 TO GENERAL OFFENSES AND CREATING A NEW CHAPTER 15 (BUSINESS AND GENERAL REGULATIONS)

Title and summary of Ordinance No. BG2008 - 62 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: Denning, Nash, Wilkerson and Walker
 Voting Nay: None

Ordinance No. BG2008 - 62 was adopted by unanimous vote.

MUNICIPAL ORDER NO. 2008 – 292

MUNICIPAL ORDER APPROVING THE PROBATIONARY APPOINTMENT OF DANIELLE LETRICE WRIGHT TO THE POSITION OF OFFICE ASSOCIATE IN THE HUMAN RESOURCES DEPARTMENT

Summary of Municipal Order No. 2008 - 292 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 explained that based on an upcoming retirement and the elimination of a part-time position in the Human Resources Department, this position needed to be filled. He recommended the appointment and reviewed Ms. Wright's qualifications. Mayor Walker asked for additional discussion, and with none, a roll call vote was taken.

ROLL CALL: Voting Yea: Denning, Nash, Wilkerson and Walker
 Voting Nay: None
Municipal Order No. 2008 - 292 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2008 – 293

MUNICIPAL ORDER APPROVING THE PROBATIONARY APPOINTMENT OF DERRICK L. SIGDESTAD TO THE POSITION OF LABORER II IN THE PUBLIC WORKS DEPARTMENT, OPERATIONS DIVISION

Summary of Municipal Order No. 2008 - 293 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 noted that this position resulted from the recent retirement of a crew supervisor and reorganization to a laborer slot. He recommended the appointment and reviewed the qualifications of the applicant. Mayor Walker asked for additional discussion, and with none, a roll call vote was taken.

ROLL CALL: Voting Yea: Denning, Nash, Wilkerson and Walker
 Voting Nay: None
Municipal Order No. 2008 - 293 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2008 – 294

MUNICIPAL ORDER APPROVING THE PROBATIONARY APPOINTMENT OF OMAR G. ROGERS, II TO THE POSITION OF COMMUNITY CENTER COORDINATOR IN THE PARKS AND RECREATION DEPARTMENT

Summary of Municipal Order No. 2008 - 294 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 the qualifications and recommended the appointment. Mayor Walker asked for additional discussion, and with none, a roll call vote was taken.

ROLL CALL: Voting Yea: Denning, Nash, Wilkerson and Walker
 Voting Nay: None
Municipal Order No. 2008 - 294 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2008 – 295

MUNICIPAL ORDER AUTHORIZING AND ADOPTING THE CITY OF BOWLING GREEN AFFIRMATIVE ACTION PROGRAMS FOR WOMEN AND MINORITIES AND FOR PERSONS WITH A DISABILITY, DISABLED VETERANS AND VIETNAM ERA VETERANS

Summary of Municipal Order No. 2008 - 295 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 stated that this item was discussed at the November 18, 2008 work session. Human Resources and Risk Management Director Michele Tolbert provided an overview of the Programs and

the continued commitment by the City. She also confirmed that the part-time employee figures were separated from the full-time data and would be kept separate in future reporting. Mayor Walker asked for additional discussion, and with none, a roll call vote was taken.

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

Municipal Order No. 2008 - 295 was approved by unanimous vote.

ORDINANCE NO. BG2008 – 63
(First Reading)
ORDINANCE REZONING REAL ESTATE

ORDINANCE REZONING A TRACT OF LAND CONTAINING 1.681 ACRES FROM HI (HEAVY INDUSTRIAL) TO HB (HIGHWAY BUSINESS) LOCATED AT THE INTERSECTION OF LOUISVILLE ROAD AND BRENNER STREET, WITH BINDING ELEMENTS, PRESENTLY OWNED BY SCOTTY'S DEVELOPMENT, LLC WITH HOUCHEMS PROPERTIES, INC. AS CONTRACT VENDEE

Title and summary of Ordinance No. BG2008 - 63 was read by the Assistant City Manager/City Clerk. Motion was made by Wilkerson and seconded by Nash for first reading of said Ordinance. City-County Planning Commission Director Steve Hunter reviewed the recommended rezoning and associated binding elements. Mayor Walker asked for additional discussion, and with none, a roll call vote was taken.

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

First reading of Ordinance No. BG2008 - 63 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2008 – 296

MUNICIPAL ORDER AUTHORIZING A CONTRIBUTION FROM THE CITY'S GENERAL FUND IN THE AMOUNT OF \$384,000 TO THE BOWLING GREEN POLICE AND FIREFIGHTERS RETIREMENT FUND FOR FISCAL YEAR 2009

Summary of Municipal Order No. 2008 - 296 was read by the Assistant City Manager/City Clerk. Motion was made by Denning and seconded by Nash for consideration of said Municipal Order. DeFebbo reviewed the need for the City to continue to support the closed retirement fund which would allow for a three (3%) percent cost of living adjustment for the retirees. Mayor Walker commented about the continued participation of the retiree representatives serving on the Board of Trustees. Chief Financial Officer Jeff Meisel also said that the amount of this contribution helped to tackle the unfunded liability noted in the actuarial study. Mayor Walker asked for additional discussion, and with none, a roll call vote was taken.

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

Municipal Order No. 2008 - 296 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2008 – 297

MUNICIPAL ORDER ACCEPTING AND ADOPTING THE BOWLING GREEN POLICE POLICY AND PROCEDURES MANUAL, 2009 EDITION

Summary of Municipal Order No. 2008 - 297 was read by the Assistant City Manager/City Clerk. Motion was made by Nash and seconded by Walker for consideration of said Municipal Order. DeFebbo commented about the periodic need to update the standard operating procedures for the Police Department. Police Chief Doug Hawkins said he would be willing to answer any questions. Comm. Denning requested additional time to review the material. Mr. DeFebbo agreed and withdrew Municipal Order No. 2008 – 297 from further consideration at this time.

MUNICIPAL ORDER NO. 2008 – 298

MUNICIPAL ORDER APPROVING AMENDMENT #2 TO THE SUBRECIPIENT AGREEMENT FOR THE RENTAL CONVERSION PROGRAM WITH LIVE THE DREAM, INC.

Summary of Municipal Order No. 2008 - 298 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 explained that the Housing Authority had once again asked for additional time to complete the conversion program, which was delayed in part to some technical and environmental issues related to the homes under conversion. Mayor Walker asked for additional discussion, and with none, a roll call vote was taken.

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

Municipal Order No. 2008 - 298 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2008 – 299

MUNICIPAL ORDER AUTHORIZING AND APPROVING A PRIVATE STORM WATER RETENTION / DETENTION BASIN MAINTENANCE POLICY AND STANDARD OPERATING PROCEDURE FOR THE CITY OF BOWLING GREEN

Summary of Municipal Order No. 2008 - 299 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 indicated that the proposed program was discussed at the previous work session. He explained that the program would provide private property owners a one-time grant of up to \$3,000 to assist with cleaning up and/or correcting overgrown retention basins. Comm. Nash expressed his appreciation to staff and to Mr. Bob Canter for sticking with the issue. Comm. Denning requested quarterly updates be provided to the Board regarding the program's progress. Mayor Walker asked the media to help get the word out to the community about the new program. She asked for additional discussion, and with none, a roll call vote was taken.

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

Municipal Order No. 2008 - 299 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2008 – 300

MUNICIPAL ORDER AUTHORIZING THE EXTENSION OF THE
DEPOT OPERATIONS AND MANAGEMENT AGREEMENT WITH
THE FRIENDS OF L & N DEPOT, INC.

Summary of Municipal Order No. 2008 - 300 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 proposal to extend the management agreement for two additional years, which was also agreed to by the City-County Depot Committee. City Attorney Gene Harmon provided an overview of the changes in the agreement which related to the extension. He also stated that the Depot Development Authority recently met to proceed with dissolution and to transfer of all of its assets, namely the Historic L&N Depot property, to the City and County.

Friends of L&N Depot Executive Director Sharon Tabor expressed her appreciation to the City and County for its continued support. On behalf of the Depot Development Authority, Dorian Walker thanked all who had helped over the past several years to restore and save the Depot. On behalf of the Friends of L&N Depot, Mr. Walker also requested the opportunity for the future extension of the management agreement in lieu of taking requests for proposals next year. Mr. Harmon acknowledged that it was possible to extend the agreement and that decision could be made at any point in the future if all parties agreed. Once all discussion ended, a roll call vote was taken.

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

Municipal Order No. 2008 - 300 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2008 – 301

MUNICIPAL ORDER APPROVING THE DISSOLUTION OF THE
DEPOT DEVELOPMENT AUTHORITY AND APPROVING THE
CONVEYANCE OF THE HISTORIC L & N DEPOT AND ALL
REMAINING ASSETS OF THE AUTHORITY TO THE CITY OF
BOWLING GREEN AND WARREN COUNTY JOINTLY

Summary of Municipal Order No. 2008 - 301 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 confirmed that the City and County would jointly share in the costs related to the Depot as done in the past. Mayor Walker asked for additional discussion, and with none, a roll call vote was taken.

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

Municipal Order No. 2008 - 301 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2008 – 302

MUNICIPAL ORDER APPROVING A KENTUCKY
INFRASTRUCTURE AUTHORITY FEDERALLY ASSISTED
WASTEWATER REVOLVING LOAN FUND AGREEMENT IN THE
AMOUNT OF \$43,307,280

Summary of Municipal Order No. 2008 - 302 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 explained that the City was being asked to co-sign, without any responsibility, to accept the loan on Bowling Green Municipal Utilities' (BGMU) behalf. BGMU General Manager Mark Iverson reviewed the use of funding to assist with an expansion of the Wastewater Treatment facility. Mayor Walker asked for additional discussion, and with none, a roll call vote was taken.

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

Municipal Order No. 2008 - 302 was approved by unanimous vote.

CLOSED SESSION

Following a brief recess to clear the Commission Chamber and at approximately 7:55 p.m., the Board of Commissioners met in closed session pursuant to KRS 61.810 (b), (c) and (g) as previously approved.

ADJOURNMENT

Once all discussion concluded in closed session and there being no further business to come before the Board of Commissioners, at approximately 9:15 p.m., Mayor Walker declared this meeting adjourned.

WORK SESSION

Prior to the regular meeting and with no action taken, the Board of Commissioners, excluding Comm. Strow, convened at 4:00 p.m. in the Commission Chamber of City Hall for a regular work session to discuss the following subjects: 1) a presentation regarding the expansion of the *Cans for Cash City Recycling Challenge* through Green Business Partnership of South Central Kentucky; 2) the recommended Policy and Procedures for City Procurement Cards; and 3) a proposed amendment to Chapter 27 (Property Maintenance), Subchapter 27-3 (Screening Regulations for Recycling Establishments) of the Code of Ordinances. Two additional topics were added to the agenda regarding 1) an overview of the Downtown Signalization Project and projected completion, and 2) an update regarding the process underway to obtain proper documentation to permanently close Shawnee Way and Navajo Drive.

ADOPTED: _____

APPROVED: _____
Mayor, Chairman of Board of Commissioners

ATTEST: _____
City Clerk

Minutes prepared by Assistant City Manager/City Clerk Katie Schaller