

**MINUTES of REGULAR MEETING
of the BOARD of COMMISSIONERS
of the CITY of BOWLING GREEN, KENTUCKY
held FEBRUARY 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 February 17, 2009. Mayor Elaine N. Walker called the meeting to order. An invocation was given by Father Stan of the St. Joseph Catholic Church, 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

Mayor Walker recognized Boy Scout Troops 108 and 216 who were in attendance.

Operation P.R.I.D.E. Executive Director Ray Lackey presented two awards for improvements made to residential and non-residential property. The first award was given to Phi Mu Sorority for its property located at 1553 Chestnut Street and the second award was given to the Brickyard Restaurant for its addition at 1026 Chestnut Street.

CITY MANAGER

City Manager Kevin D. DeFebbo requested a closed session for the purpose of discussion on the future acquisition 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, discussion of proposed litigation against and on behalf of the City and pending litigation against the City, and for discussions which might lead to the discipline or dismissal of an individual employee without restricting that employee's right to a public hearing if requested. 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 (f). Walker called for roll call vote.

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

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

At the City Manager's request, Chief Financial Officer Jeff Meisel reviewed the Capital Gains and Loss reporting on City Net Profit Returns. He provided an overview of the updated forms and changes regarding the ability to tax capital gains and allow capital losses which align with federal tax laws and the state's tax standardization requirements. Mr. Meisel and Occupational License Manager David Lyne responded to questions about the specific changes to the forms and being in compliance with state statute. Mr. Lyne stated letters were sent to area accountants, financial services and other appropriate businesses to inform them of the new forms and requirements.

APPROVAL OF MINUTES

Minutes of Special Meeting January 28, 2009, Regular Meeting February 3, 2009 and Special Meeting February 11, 2009

Minutes of the above-referenced meetings were distributed to the Board of Commissioners with the Agenda for their review. Comm. Nash noted a minor correction to page 7 of the February 3rd minutes. Motion was made by Wilkerson and seconded by Nash to approve said minutes as written and with the one correction noted. 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 special meeting of January 28, 2009, regular meeting of February 3, 2009 and special meeting of February 11, 2009 was approved by unanimous vote.

PUBLIC COMMENTS

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

REGULAR AGENDA

ORDINANCE NO. BG2009 - 3

(Second Reading)

ORDINANCE CLOSING A PUBLIC RIGHT-OF-WAY

ORDINANCE APPROVING THE CLOSING OF AN UNUSED
PORTION OF FAIRVIEW COURT

Title and summary of Ordinance No. BG2009 - 3 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: Nash, Wilkerson, Denning, Hamilton and Walker
 Voting Nay: None

Ordinance No. BG2009 - 3 was adopted by unanimous vote.

ORDINANCE NO. BG2009 - 4

(Second Reading)

ORDINANCE CLOSING A PUBLIC RIGHT-OF-WAY

ORDINANCE APPROVING THE CLOSING OF A PORTION OF
NAVAJO DRIVE RIGHT-OF-WAY

Title and summary of Ordinance No. BG2009 - 4 was read by the Assistant City Manager/City Clerk. Motion was made by Nash and seconded by Denning for second reading of said Ordinance. Comm. Denning commented about hearing from a number of individuals on both sides of the issue and that he had spent time at the location of the closure to see how traffic would be impacted. He asked for feedback from residents regarding the reasoning behind wanting the roadway reopened. Comm. Denning indicated that most of the calls he had received wanted the road to stay closed.

Neil Peterie of 848 Yuma Circle, Bob Wood of 2454 Yuma Drive and Henry Thompson of 1213 Shawnee Way reiterated they each opposed permanent closure of Navajo Drive. Mr. Peterie asked that the roadway be reopened to address congestion, reduce the carbon foot print and to reduce fuel consumption by not having to take longer alternate routes out of the neighborhood. He also reported that in comparing the previously filed petitions supporting closure with the recent petition opposing closure, the majority of the residents wanted the street to remain open. Mr. Wood requested that Navajo be opened for residents to access the neighboring shopping development more conveniently. He suggested more study was needed since the City invested in adding other traffic calming devices to address the traffic concerns. Mr. Thompson also asked for more study to be done to see if there were still any traffic issues that needed to be resolved.

Larry Martin of 2617 Navajo Drive and Marvin Hood of 2620 Navajo Drive each expressed their support for the permanent closure of Navajo Drive. Mr. Martin indicated that if the street was reopened then traffic would once again increase in the neighborhood affecting the safety and quality of life for its residents. Mr. Hood agreed that by opening the road most of the traffic coming through the neighborhood would be thru traffic (outside) and not from the neighborhood.

Comm. Wilkerson stated he felt bound by the previous action of the Board of Commissioners, which provided for temporary closure while other traffic measures were taken to address speeding and volume, specifically the placement of speed bumps and building two new roads. He suggested that the next logical step was to reopen the roadway to see if any traffic problems still needed to be addressed. Comm. Wilkerson indicated it was premature to permanently close the road without further study.

Comm. Nash pointed out that his position to support the construction of the two other roadways (referring to Fields Drive and Patton Way) was out of concern for residents in Lost River Estates who needed another exit if Shawnee Way and Navajo Drive were closed. He asserted that those roads were built in an effort to relieve congestion on the other side of Shawnee Estates and it was never his intention to reopen Shawnee Way or Navajo Drive.

Mayor Walker expressed concern for developing a situation that funneled traffic through a neighborhood and she agreed with Comm. Nash regarding the purpose of constructing the other roadways. She acknowledged that regardless of the decision, some people would remain unhappy. Mayor Walker disagreed with accommodating angry drivers at the expense of the neighborhood. She stated she would vote in support of the ordinance.

Once all discussion concluded, a roll call vote was taken.

ROLL CALL: Voting Yea: Nash, Denning and Walker

Voting Nay: Wilkerson and Hamilton

Ordinance No. BG2009 - 4 was adopted by majority vote.

MUNICIPAL ORDER NO. 2009 - 32

MUNICIPAL ORDER AUTHORIZING AND ACCEPTING BID #2009-19 FOR THE PEDIGO PARK RESTROOM PROJECT FROM CHARLES DEWEESE CONSTRUCTION, INC. OF FRANKLIN, KENTUCKY IN THE AMOUNT OF \$42,550

Summary of Municipal Order No. 2009 - 32 was read by the Assistant City Manager/City Clerk. Motion was made by Nash and seconded by Denning for consideration of said Municipal Order. DeFebbo indicated this was a long standing project and recommended the bid award. Parks and Recreation Director Ernie Gouvas indicated that the project would take approximately 60 days from start to finish, which was an aggressive schedule to complete construction before little league season began. Comm. Nash thanked Mr. Gouvas and Mr. DeFebbo for moving the project forward. He agreed it would be a short-term inconvenience, but that the long-term benefit would be well worth it. Mayor Walker congratulated staff for finding a way to make the project affordable. Following the discussion, a roll call vote was taken.

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

Municipal Order No. 2009 - 32 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2009 - 33

MUNICIPAL ORDER AUTHORIZING AND ACCEPTING BID #2009-20 FOR THE CONVENTION CENTER RESTROOM RENOVATIONS FROM CARTER DOUGLAS COMPANY OF RUSSELLVILLE, KENTUCKY IN THE AMOUNT OF \$117,500

Summary of Municipal Order No. 2009 - 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 project which was needed to improve the facilities at the Sloan Convention Center. Mayor Walker noted that The Convention Center Corporation had previously approved the recommendation prior to this meeting and she asked for additional discussion, 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 - 33 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2009 - 34

MUNICIPAL ORDER APPROVING THE FIVE YEAR CONSOLIDATED PLAN, ANALYSIS OF IMPEDIMENTS TO FAIR HOUSING CHOICE, CITIZENS PARTICIPATION PLAN AND THE RESIDENTIAL ANTI-DISPLACEMENT AND RELOCATION ASSISTANCE PLAN FOR COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) ENTITLEMENT FUNDING AND AUTHORIZING SUBMISSION TO THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Summary of Municipal Order No. 2009 - 34 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 recommended approval of the Five Year CDBG Plan and associated plans. Mayor Walker commented about additional CDBG funding that may become available as part of the federal spending plan. She 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 - 34 was approved by unanimous vote.

ORDINANCE NO. BG2009 - 6

(First Reading)

ORDINANCE RELATING TO BUDGET AMENDMENT

ORDINANCE APPROVING AMENDMENT NUMBER TWO TO
THE CITY OF BOWLING GREEN, KENTUCKY ANNUAL
OPERATING BUDGET FOR FISCAL YEAR 2009

Title and summary of Ordinance No. BG2009 - 6 was read by the Assistant City Manager/City Clerk. Motion was made by Wilkerson and seconded by Nash for first reading of said Ordinance. DeFebbo reviewed the need to periodically amend the annual budget throughout the year. 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

First reading of Ordinance No. BG2009 - 6 was approved by unanimous vote.

ORDINANCE NO. BG2009 - 7

(First Reading)

ORDINANCE PROVIDING FOR THE ISSUANCE OF GENERAL OBLIGATION BONDS

AN ORDINANCE OF THE CITY OF BOWLING GREEN, KENTUCKY AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION PUBLIC PROJECT REFUNDING BONDS, SERIES 2009 IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$16,500,000 FOR THE PURPOSE OF REFUNDING ALL OR A PORTION OF THE OUTSTANDING (I) CITY OF BOWLING GREEN MUNICIPAL PROJECTS CORPORATION LEASE REVENUE BONDS, SERIES 1995, (II) CITY OF BOWLING GREEN, KENTUCKY GENERAL OBLIGATION BONDS, 1998 SERIES A AND (III) CITY OF BOWLING GREEN, KENTUCKY GENERAL OBLIGATION BONDS, SERIES 2000, THE PROCEEDS OF WHICH IN TURN FINANCED THE COSTS OF THE ACQUISITION, CONSTRUCTION AND INSTALLATION OF PUBLIC PROJECTS IN THE CITY OF BOWLING GREEN, KENTUCKY; APPROVING THE FORM OF BONDS; AUTHORIZING DESIGNATED OFFICERS TO EXECUTE AND DELIVER THE BONDS; AUTHORIZING AND DIRECTING THE FILING OF NOTICE WITH THE STATE LOCAL DEBT OFFICER; PROVIDING FOR THE PAYMENT AND SECURITY OF THE BONDS; CREATING A BOND PAYMENT FUND; AUTHORIZING ACCEPTANCE OF THE BID OF THE BOND PURCHASER FOR THE PURCHASE OF THE BONDS FOLLOWING THE ADVERTISED SALE OF THE BONDS; AND REPEALING INCONSISTENT ORDINANCES

Title and summary of Ordinance No. BG2009 - 7 was read by the Assistant City Manager/City Clerk. Motion was made by Nash and seconded by Wilkerson for first reading of said Ordinance.

DeFebbo indicated the City had the ability to save approximately \$100,000 by refinancing some of its debt. Chief Financial Officer Jeff Meisel explained the process and confirmed the anticipated annual savings on debt service over the next ten years. He also confirmed that the refinancing did not extend the original life of the bonds. Comm. Wilkerson thanked the staff for staying on top of this and bringing it forward. 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

First reading of Ordinance No. BG2009 - 7 was approved by unanimous vote.

NOTE: Municipal Order No. 2009 – 35 was withdrawn from consideration. DeFebbo stated that this item was withdrawn until second reading of Ordinance No. BG2009 – 7 which was scheduled for the next regular meeting of the Board.

MUNICIPAL ORDER NO. 2009 – 36

MUNICIPAL ORDER APPROVING AND AUTHORIZING OUT-OF-TOWN TRAVEL EXPENSES AND REIMBURSEMENT FOR MAYOR ELAINE N. WALKER TO ATTEND THE UNITED STATES CONFERENCE OF MAYORS WINTER MEETING IN WASHINGTON, D.C.

Summary of Municipal Order No. 2009 – 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. 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
 Abstain: Walker

Municipal Order No. 2009 - 36 was approved by majority vote.

MUNICIPAL ORDER NO. 2009 – 37

MUNICIPAL ORDER APPROVING AND ACCEPTING OPINION FROM BOND COUNSEL RELATING TO APPROVAL OF THE INTERIM FINANCING AGREEMENT FOR THE WKU GATEWAY TO DOWNTOWN BOWLING GREEN DEVELOPMENT AREA

Summary of Municipal Order No. 2009 - 37 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 opinion requested from the City's bond counsel and he requested action by the Board of Commissioners for the official record. City Attorney Gene Harmon provided an overview of the stated opinion which was deemed to be satisfactory to the City. Kevin Brooks, attorney representing the Warren County Downtown Economic Development Authority, stated the closing for the interim financing was expected to occur the next day. Mayor Walker asked for additional discussion, and with none, a roll call vote was taken.

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

Municipal Order No. 2009 - 37 was approved by majority vote.

CLOSED SESSION

Following a brief recess to clear the Commission Chamber, the Board of Commissioners met in closed session pursuant to KRS 61.810 (b), (c) and (f) 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 8:55 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: 1) a proposed Traffic Feature Map and Policy; 2) the Fire Department accreditation process and its benefits; 3) proposed revisions to Chapter 12 (Fire Prevention) of the City of Bowling Green Code of Ordinances; and 4) anticipated text amendments to the Zoning Ordinance presented by the City-County Planning Commission Executive Director Steve Hunter.

ADOPTED: _____

APPROVED: _____
Mayor, Chairman of Board of Commissioners

ATTEST: _____
City Clerk

Minutes prepared by Assistant City Manager/City Clerk Katie Schaller