

**MINUTES of REGULAR MEETING
of the BOARD of COMMISSIONERS
of the CITY of BOWLING GREEN, KENTUCKY
held SEPTEMBER 20, 2011**

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 September 20, 2011. Mayor Joe W. Denning called the meeting to order. An invocation was given by Dr. John Long, 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 Bill Waltrip, Commissioner Bruce Wilkerson, Commissioner Melinda M. Hill and Mayor Joe W. Denning. Absent: none. There was a full quorum of the Board of Commissioners.

AWARDS & RECOGNITIONS

Operation P.R.I.D.E. Executive Director Ray Lackey presented P.R.I.D.E.'s residential award to Gary and Deborah West for improvements made to their property located at 193 Talbot Drive. Mr. West expressed appreciation for the recognition and remarked about the good that Operation P.R.I.D.E. brings to the community.

Mayor Denning recognized GO BG Public Transit for receiving the 2011 Outstanding Statewide 5307 Public Transit System Award presented by the Commonwealth of Kentucky Office of Transportation Delivery. Community Action of Southern Kentucky Executive Director Cheryl Allen commented about the support received from the City and the Transit staff.

Mayor Denning also recognized and welcomed several Western Kentucky University students who were in attendance at the meeting for a class project.

CITY MANAGER

City Manager Kevin D. DeFebbo requested a closed session for the purpose of discussion which might lead to the appointment or dismissal of individual employees without restricting the employees' right to a public hearing if requested. Motion was made by Wilkerson and seconded by Waltrip to convene in closed session following the regular meeting pursuant to KRS 61.810 (1) (f). Denning called for roll call vote.

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

Motion to convene in closed session pursuant to KRS 61.810 (1) (f) was approved by unanimous vote.

BOARD OF COMMISSIONERS COMMENTS

Comm. Nash professed that he wanted to set the record straight regarding comments he made at the last meeting during the discussion of Ordinance No. BG2011 - 41 about the collection of property taxes for the Bowling Green Independent School District. He specified that he went a little too far by stating that the City collected the school's property taxes as a courtesy which may have

unintentionally implied that it was a free service. However, he affirmed that the City received an administrative fee of 2% of the total amount of property taxes collected for the school district.

RESULTS OF LOCAL VENDOR PREFERENCE SURVEY

Discussion continued about proposed revisions to the City's Purchasing Policies and Procedures Manual, specifically regarding local vendor preference which was postponed from the September 6th work session with the absence of Comm. Nash. Assistant City Manager/City Clerk Katie Schaller reported the results of a survey conducted to gain input from local vendors about the implementation of a local vendor preference in bidding policy. Based on a request during the discussion of this same topic at the August 16th work session, she noted that staff developed and distributed a brief electronic survey to 125 local vendors. Ms. Schaller stated that a list of survey recipients was compiled from the past three years of bidders lists and registered vendors that generally offered goods and materials for purchase to the City. She specified the survey was distributed on August 25th and a total of 32 responses (a response rate of 25.6%) were received during a two week period. She reviewed each question and the associated responses, which generally supported the implementation of a local vendor preference policy and a willingness by local vendors to match bids within certain parameters if given the opportunity. Ms. Schaller also summarized some identified pros and cons related to such a policy implementation and the option to establish a sunset clause.

Following an inquiry by Mr. DeFebbo, Comm. Nash indicated that he wanted to proceed with sponsoring an ordinance for the next meeting based on his original recommendation. City Attorney Gene Harmon confirmed that the original recommendation set parameters for a defined local vendor to be at least 5%, not to exceed \$5,000, from the lowest bid in order to receive preference. He also clarified that Comm. Nash did not want to include an option to match bids, but did want to establishment of a sunset clause.

APPROVAL OF MINUTES

Minutes of Regular Meeting September 6, 2011

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 Denning asked for discussion, and with none, a roll call vote was taken.

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

Motion to approve the minutes of the regular meeting of September 6, 2011 was approved by unanimous vote.

PUBLIC COMMENTS

Susan Hoechner, board member of the Downtown Redevelopment Authority (DRA), introduced the new DRA Executive Director Ron Murphy. Mr. Murphy remarked about joining DRA and outlined his goals for the coming year and beyond to reinvigorate and reinvest DRA's participation in the downtown, including more involvement with downtown businesses and promoting the continued success of Bowling Green. Comm. Waltrip commented about the importance of this position and wished Mr. Murphy the best. Mayor Denning echoed those comments as well.

REGULAR AGENDA

ORDINANCE NO. BG2011 - 39

(Second Reading)

ORDINANCE CLOSING A PUBLIC RIGHT-OF-WAY

ORDINANCE APPROVING THE CLOSING OF AN ALLEY
LOCATED BETWEEN 126 AND 134 CHESTNUT STREET

Title and summary of Ordinance No. BG2011 - 39 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 Denning asked for discussion, and with none, a roll call vote was taken.

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

Ordinance No. BG2011 - 39 was adopted by unanimous vote.

ORDINANCE NO. BG2011 - 40

(Second Reading As Amended)

ORDINANCE APPROVING COMPREHENSIVE PLAN

ORDINANCE APPROVING THE BOWLING GREEN / WARREN
COUNTY FOCUS 2030 COMPREHENSIVE PLAN
RECOMMENDED BY THE CITY-COUNTY PLANNING
COMMISSION AND AS AMENDED BY PARTICIPATING
JURISDICTIONS

Title and summary of Ordinance No. BG2011 - 40 as amended 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 Denning asked for discussion, and with none, a roll call vote was taken.

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

Ordinance No. BG2011 - 40 as amended was adopted by unanimous vote.

ORDINANCE NO. BG2011 - 41

(Second Reading)

ORDINANCE RELATING TO PROPERTY TAX RATES

ORDINANCE SETTING 2011 PROPERTY TAX RATES,
FRANCHISE TAX RATES AND IMPROVEMENT ASSESSMENT
RATES, AND SETTING FORTH GUIDELINES FOR PAYMENT,
PENALTY AND INTEREST

Title and summary of Ordinance No. BG2011 - 41 was read by the Assistant City Manager/City Clerk. Motion was made by Wilkerson and seconded by Waltrip for second reading of said Ordinance. Mayor Denning asked for discussion, and with none, a roll call vote was taken.

ROLL CALL: Voting Yea: Nash, Waltrip, Wilkerson, Hill and Denning
 Voting Nay: None
Ordinance No. BG2011 - 41 was adopted by unanimous vote.

MUNICIPAL ORDER NO. 2011 - 178

MUNICIPAL ORDER APPROVING THE PROBATIONARY APPOINTMENTS OF ADAM B. ANDERSON TO THE POSITION OF PARKS FACILITY MAINTAINER, JOSHUA C. HANCOCK TO THE POSITION OF CARPENTER AND PETER SAMIOS TO THE POSITION OF ATHLETICS FACILITY COORDINATOR IN THE PARKS AND RECREATION DEPARTMENT

Summary of Municipal Order No. 2011 - 178 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 appointments to fill existing vacancies. He also provided an overview of the individuals' qualifications. Mayor Denning asked for additional discussion, and with none, a roll call vote was taken.

ROLL CALL: Voting Yea: Nash, Waltrip, Wilkerson, Hill and Denning
 Voting Nay: None
Municipal Order No. 2011 - 178 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2011 - 179

MUNICIPAL ORDER APPROVING THE PROBATIONARY APPOINTMENT OF BARRY K. HARRIS TO THE POSITION OF FLEET MANAGER IN THE PUBLIC WORKS DEPARTMENT

Summary of Municipal Order No. 2011 - 179 was read by the Assistant City Manager/City Clerk. Motion was made by Wilkerson and seconded by Waltrip for consideration of said Municipal Order. DeFebbo reviewed the qualifications for the recommended appointment, whom he remarked should bring needed management skills to the position. Mayor Denning asked for additional discussion, and with none, a roll call vote was taken.

ROLL CALL: Voting Yea: Nash, Waltrip, Wilkerson, Hill and Denning
 Voting Nay: None
Municipal Order No. 2011 - 179 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2011 - 180

MUNICIPAL ORDER APPROVING THE PROBATIONARY APPOINTMENTS OF JERRY R. CORBITT TO THE POSITION OF POLICE OFFICER AND DAVID B. BRAGG TO THE POSITION OF PROPERTY CUSTODIAN IN THE POLICE DEPARTMENT

Summary of Municipal Order No. 2011 - 180 was read by the Assistant City Manager/City Clerk. Motion was made by Wilkerson and seconded by Waltrip for consideration of said Municipal Order. DeFebbo reviewed and recommended the appointment of two formerly retired police officers

who wanted to come back to work in the Police Department. Once discussion ended, a roll call vote was taken.

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

Municipal Order No. 2011 - 180 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2011 - 181

**MUNICIPAL ORDER APPROVING THE CAREER PATH
ADVANCEMENT OF B. KAELIN BYRD TO THE POSITION OF
OPERATIONS TECHNICIAN I IN THE PUBLIC WORKS
DEPARTMENT**

Summary of Municipal Order No. 2011 - 181 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 adopted Career Path Program and recommended advancement. Mayor Denning asked for additional discussion, and with none, a roll call vote was taken.

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

Municipal Order No. 2011 - 181 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2011 - 182

**MUNICIPAL ORDER AUTHORIZING CHANGE ORDER NO. TWO
TO THE CONTRACT WITH SCOTT AND MURPHY, INC. OF
BOWLING GREEN, KENTUCKY FOR KEREIAKES PARK
GREENWAYS CONNECTOR, PHASE III (BID #2011-36) IN THE
TOTAL AMOUNT OF \$25,000**

Summary of Municipal Order No. 2011 - 182 was read by the Assistant City Manager/City Clerk. Motion was made by Nash and seconded by Wilkerson for consideration of said Municipal Order. As a public goal to expand greenways connectors throughout the City, Mr. DeFebbo recommended approval of the change order to install additional guardrails for increased safety. Mayor Denning asked for additional discussion, and with none, a roll call vote was taken.

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

Municipal Order No. 2011 - 182 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2011 - 183

**MUNICIPAL ORDER AUTHORIZING AND ACCEPTING BID
#2011-30 FOR BOATLANDING ROAD SIDEWALK
CONSTRUCTION FROM FOX ENTERPRISES, INC. OF
RICHMOND, KENTUCKY IN THE AMOUNT OF \$334,322.75**

Summary of Municipal Order No. 2011 - 183 was read by the Assistant City Manager/City Clerk. Motion was made by Nash and seconded by Waltrip for consideration of said Municipal

Order. DeFebbo remarked that this project idea came from former Warren County Magistrate Richard Morgan during a Summer Stroll held in the neighborhood a couple of years ago. He recommended approval of the bid award which would be paid for with Community Development Block Grant (CDBG) funds.

With the death of Mr. Morgan ten days prior to this meeting, Comm. Nash expressed regret that Mr. Morgan was not able to see the project through to completion. He requested a moment of silence to remember Mr. Morgan and his dedication to the west side area and this community.

Following the moment of silence, Mayor Denning indicated that Mr. Morgan was a friend to all and that he was an outstanding gentleman who would be missed. With no additional discussion, a roll call vote was taken.

ROLL CALL: Voting Yea: Nash, Waltrip, Wilkerson, Hill and Denning

Voting Nay: None

Municipal Order No. 2011 - 183 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2011 - 184

MUNICIPAL ORDER APPROVING THE ADOPTION OF THE CITY OF BOWLING GREEN, KENTUCKY MANUAL OF PURCHASING POLICIES AND PROCEDURES DATED OCTOBER 1, 2011

Summary of Municipal Order No. 2011 - 184 was read by the Assistant City Manager/City Clerk. Motion was made by Wilkerson and seconded by Nash for consideration of said Municipal Order. With the last update in 2006, Mr. DeFebbo explained that it was once again necessary to adopt revisions to the Purchasing Policies and Procedures Manual. He noted that the recommended revisions primarily related to changes in departmental responsibility and the implementation of new financial software which were previously discussed at the September 6th work session. He requested that the Board act on these revisions as presented and to handle any local vendor preference policy development separately.

Comm. Nash agreed that it was important for these revisions to move along. He clarified there was no language included in this item pertaining to a local vendor preference policy. With no other discussion, a roll call vote was taken.

ROLL CALL: Voting Yea: Nash, Waltrip, Wilkerson, Hill and Denning

Voting Nay: None

Municipal Order No. 2011 - 184 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2011 - 185

MUNICIPAL ORDER APPROVING AGREEMENT RELATED TO PICTOMETRY IMAGERY AND SOFTWARE BETWEEN THE CITY OF BOWLING GREEN AND THE WARREN COUNTY PROPERTY VALUATION ADMINISTRATOR

Summary of Municipal Order No. 2011 - 185 was read by the Assistant City Manager/City Clerk. Motion was made by Nash and seconded by Wilkerson for consideration of said Municipal

Order. DeFebbo recounted the discussion which took place during the earlier work session. He recommended approval of the agreement which provided access to aerial photography and related software for an annual fee. Mayor Denning asked for additional discussion, and with none, a roll call vote was taken.

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

Municipal Order No. 2011 - 185 was approved by unanimous vote.

ORDINANCE NO. BG2011 - 42
(First Reading)
ORDINANCE REZONING REAL ESTATE

ORDINANCE REZONING A TRACT OF LAND CONTAINING 0.44
ACRE FROM LI (LIGHT INDUSTRIAL) TO HI (HEAVY
INDUSTRIAL) LOCATED AT 230 POWER STREET, PRESENTLY
OWNED BY SHELBY RECYCLING

Title and summary of Ordinance No. BG2011 - 42 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 specified that this rezoning was recommended by the City-County Planning Commission. Mayor Denning asked for additional discussion, and with none, a roll call vote was taken.

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

First reading of Ordinance No. BG2011 - 42 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2011 - 186

MUNICIPAL ORDER AUTHORIZING THE ACCEPTANCE OF A
GRANT FROM THE U.S. DEPARTMENT OF JUSTICE, OFFICE OF
JUSTICE PROGRAMS, BUREAU OF JUSTICE ASSISTANCE FOR
2011 EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE
GRANT (JAG) FUNDS IN THE AMOUNT OF \$52,963

Summary of Municipal Order No. 2011 - 186 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 grant funding to be shared equally with Warren County. He reported that the City's portion of funds would be used to purchase in-car and wearable cameras for the Police Department. Mayor Denning asked for additional discussion, and with none, a roll call vote was taken.

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

Municipal Order No. 2011 - 186 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2011 - 187

MUNICIPAL ORDER AUTHORIZING A CONTRIBUTION FROM
THE CITY'S GENERAL FUND IN THE AMOUNT OF \$400,000 TO
THE BOWLING GREEN POLICE AND FIREFIGHTERS
RETIREMENT FUND FOR FISCAL YEAR 2012

Summary of Municipal Order No. 2011 - 187 was read by the Assistant City Manager/City Clerk. Motion was made by Wilkerson and seconded by Waltrip for consideration of said Municipal Order. DeFebbo summarized the closed retirement program and fund allocation to assist with providing a 2.5% cost of living adjustment for annuitants. Comm. Waltrip commented that he believed the City has an excellent Police Department because of the efforts of these retirees and he expressed appreciation for everything they have done for the City over the years. With no additional discussion, a roll call vote was taken.

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

Municipal Order No. 2011 - 187 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2011 - 188

MUNICIPAL ORDER APPROVING AFRICAN AMERICAN
MUSEUM FUNDING AGREEMENT WITH WROTE, INC.

Summary of Municipal Order No. 2011 - 188 was read by the Assistant City Manager/City Clerk. Motion was made by Nash and seconded by Hill for consideration of said Municipal Order. As previously discussed during the earlier work session, Mr. DeFebbo reiterated that the City was being asked to contribute a total of \$123,000 to be paid out in four installments for the first African American museum to be established in Bowling Green. He outlined the work of an ad hoc group that was formed to get the museum up and running and the parameters of the agreement.

Mayor Denning gave credit to Comm. Nash for being at the forefront of this project. He commented about the commitment by the City and that he was proud the City would be participating in the preservation of black history. He recalled past experiences as a black man and stated we have come a long way.

Comm. Nash stated he was honored by Mayor Denning's comments, although he considered his role to be minimal at best. He recognized individuals in the audience and others involved who were ultimately responsible for carrying the idea to reality. Once discussion ended, a roll call vote was taken.

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

Municipal Order No. 2011 - 188 was approved by unanimous vote.

CLOSED SESSION

Following a brief recess to clear the Commission Chamber, the Board of Commissioners met at approximately 8:05 p.m. in closed session pursuant to KRS 61.810 (1) (f) as previously approved. Mr. DeFebbo clarified that no action was expected to follow the discussion.

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 Denning 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 progress update of the Old Morgantown Road Corridor Improvement Project with an anticipated completion date of October 14, 2011; 2) a proposed African American Museum, including an agreement in which the City pledges financial support in the total amount of \$123,000 for the first year of the museum's creation; 3) recommended revisions to the Code of Ethics as presented by the Board of Ethics; and 4) the Pictometry Aerial Photography project, including an agreement to share the interactive imagery and software with the Warren County Property Valuation Administrator's (PVA) office for an annual fee and the potential to share with other governmental agencies.

ADOPTED: _____

APPROVED: _____
Mayor, Chairman of Board of Commissioners

ATTEST: _____
Assistant City Clerk

Minutes prepared by Assistant City Manager/City Clerk Katie Schaller