

**MINUTES of SPECIAL MEETING
of the BOARD of COMMISSIONERS
of the CITY of BOWLING GREEN, KENTUCKY
held NOVEMBER 3, 2010**

The Board of Commissioners of the City of Bowling Green, Kentucky met in special session in the Commission Chamber of City Hall, Bowling Green, Kentucky at 3:00 p.m. on November 3, 2010. Mayor Elaine N. Walker called the meeting to order. Assistant City Manager/City Clerk Katie Schaller called the roll, and the following members were present: Commissioner Joe W. Denning, Commissioner Catherine Hamilton, Commissioner Brian "Slim" Nash, Commissioner Bruce Wilkerson and Mayor Elaine N. Walker. Absent: none. There was a full quorum of the Board of Commissioners.

PUBLIC HEARING

City Engineer Jeff Lashlee conducted a public hearing for the purpose of reviewing the proposed use of the Municipal Aid Program (Liquid Fuel Tax) funds, Coal Severance and Processing Tax and the Mineral Severance Tax. He reported that the Fiscal Year 2011 Liquid Fuel Tax (LFT) projected revenues were \$924,500, including a transfer in from the Coal-Mineral fund of \$31,000. He reviewed the projects proposed for Street Resurfacing of 3.9 miles and Sidewalk, Curb & Gutter Rehabilitation of 1,028 linear feet at a total cost of \$911,000 from LFT. He further reported that the Fiscal Year 2011 Coal-Mineral Tax projected revenues were \$31,000, with \$31,000 being allocated to the Street Resurfacing Project. The projected ending fund balances were \$459,520 for LFT and \$48,181 for Coal-Mineral. In addition, Mr. Lashlee reported that LFT funds would be spent for preventative maintenance of the Olde Stone Bridge which was recommended following its last State inspection. There were no questions from the public.

AWARDS & RECOGNITIONS

Mayor Walker congratulated her colleagues regarding their re-election and Bill Waltrip for his election to fill the seat being vacated by Commissioner Hamilton. She also announced that Governor Beshear was in town earlier in the afternoon to announce the economic investment of Shiloh Industries which was locating a manufacturing facility in the Kentucky Transpark. In addition, Mayor Walker congratulated Civil Engineer II Kyle Hunt who recently graduated from the Dale Carnegie Course and received the *Highest Award of Achievement* in the class.

CITY MANAGER

City Manager Kevin D. DeFebbo had no comments at this time.

APPROVAL OF MINUTES

Minutes of Regular Meeting October 19, 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: Denning, Hamilton, Nash, Wilkerson and Walker
Voting Nay: None

Motion to approve the minutes of the regular meeting of October 19, 2010 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2010 - 232

MUNICIPAL ORDER APPROVING THE PROBATIONARY APPOINTMENTS OF NEAL T. CLAYTON AND TIMOTHY W. MEADOR TO THE POSITION OF FIREFIGHTER IN THE FIRE DEPARTMENT

Summary of Municipal Order No. 2010 - 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. DeFebbo recommended the two appointments which were filling existing vacancies. Mayor Walker remarked about the competitive hiring process. Comm. Denning commented about the departmental support that both Fire and Police staff provide at the meetings when new appointments are up for consideration. With no other discussion, a roll call vote was taken.

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

Municipal Order No. 2010 - 232 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2010 - 233

MUNICIPAL ORDER APPROVING THE PROMOTIONS OF J. BRET SMITH TO THE POSITION OF COMPANY COMMANDER/EMT AND MICHAEL T. WEBSTER TO THE POSITION OF FIRE APPARATUS OPERATOR/EMT IN THE FIRE DEPARTMENT

Summary of Municipal Order No. 2010 - 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. Fire Chief Greg Johnson indicated that with the recent retirement of Company Commander Ed Moss two openings became available for promotion. With a newly established eligibility list following promotional testing, Chief Johnson reviewed the qualifications of the two top ranked recommended promotions. Mayor Walker asked for additional discussion, and with none, a roll call vote was taken.

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

Municipal Order No. 2010 - 233 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2010 - 234

MUNICIPAL ORDER APPROVING THE PROBATIONARY APPOINTMENTS OF NICHOLAS A. BITTEL, HANY S. ELHUBISHI, MARY E. FIELDS, PATRICIA M. FULLER, MICHAEL G. GRYWALSKY, KYLE D. SCHARLOW, MICHAEL N. JONKER AND MARC J. KAISER II TO THE POSITION OF POLICE OFFICER IN THE POLICE DEPARTMENT

Summary of Municipal Order No. 2010 - 234 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 there were eleven current vacancies with the expectation of one more by December 1st. He reviewed the testing process and the recommended appointments to fill eight of the existing vacancies, noting four more appointments would be coming in the next couple of months to achieve full complement. Mayor Walker asked for additional discussion, and with none, a roll call vote was taken.

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

Municipal Order No. 2010 - 234 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2010 – 235

MUNICIPAL ORDER APPROVING THE TRANSFER OF WANDA F. PALAZZI TO THE POSITION OF ADMINISTRATIVE ASSISTANT IN THE POLICE DEPARTMENT

Summary of Municipal Order No. 2010 - 235 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 current holder of this position was taking a new job and Ms. Palazzi was recommended and agreeable to return to her former position. Mayor Walker asked for additional discussion, and with none, a roll call vote was taken.

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

Municipal Order No. 2010 - 235 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2010 – 236

MUNICIPAL ORDER AUTHORIZING AND ACCEPTING BID #2011-18 FOR EUCLID AVENUE DRAINAGE PROJECT FROM STEWART-RICHEY CONSTRUCTION, INC. OF BOWLING GREEN, KENTUCKY IN THE AMOUNT OF \$42,279.34

Summary of Municipal Order No. 2010 - 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. DeFebbo explained the genesis of this project went back to more than a year ago. He reviewed the bid process and scope of the project to make improvements in the residential area. Mr. DeFebbo acknowledged Assistant City Engineer Melissa Cansler for all of her work on this project to bring it to an agreeable solution. Mayor Walker asked for additional discussion, and with none, a roll call vote was taken.

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

Municipal Order No. 2010 - 236 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2010 - 237

MUNICIPAL ORDER AUTHORIZING A CHANGE ORDER TO THE CONTRACT WITH LUTHAN OF OWENSBORO, KENTUCKY FOR EECBG ELECTRICAL INSTALLATIONS (BID #2010-31) TO REDIRECT A PORTION OF THE EXPENDITURES FROM AN UNOCCUPIED FACILITY TO AN OCCUPIED FACILITY AND TO INCREASE THE EECBG FUNDS BY \$10,000

Summary of Municipal Order No. 2010 - 237 was read by the Assistant City Manager/City Clerk. Motion was made by Nash and seconded by Hamilton for consideration of said Municipal Order. DeFebbo recounted the grant award received by the City to fund efficiency improvements for City facilities and to provide community grants. He recommended the redirection of funds from 707 E. Main, which was currently vacant, to the City Hall Annex in order to achieve the greatest return on investment. He also noted that the additional funds would assist in maximizing the replacement of lighting in the majority of the Annex to LED lights. Mayor Walker asked for additional discussion, and with none, a roll call vote was taken.

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

Municipal Order No. 2010 - 237 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2010 - 238

MUNICIPAL ORDER AUTHORIZING AND ACCEPTING THE FILING OF A GRANT APPLICATION WITH THE KENTUCKY TRANSPORTATION CABINET FOR FEDERAL TRANSPORTATION ASSISTANCE UNDER THE SECTION 5309 PROGRAM THROUGH THE FEDERAL TRANSIT ADMINISTRATION IN AN AMOUNT NOT TO EXCEED \$1,048,438

Summary of Municipal Order No. 2010 - 238 was read by the Assistant City Manager/City Clerk. Motion was made by Hamilton and seconded by Wilkerson for consideration of said Municipal Order. DeFebbo noted that the City previously approved the submission of the grant application and was now being awarded a portion of requested funds. He indicated that a match to the grant would be provided through Toll Credits.

In response to Comm. Wilkerson's inquiry regarding two recent magazine articles about GO BG Transit, Community Action of Southern Kentucky (CASKY) Executive Director Cheryl Allen replied that the magazines had initiated the contact with CASKY. Ms. Allen boasted about the articles in both *Bus Line Magazine* and *Metro Magazine*. She also responded that ridership finished the last year with over 90,000 riders and 9,800 riders were serviced in the last month which exceeded all previous records. Looking forward into the future, Mayor Walker expressed her enthusiasm for the day when the bus service could be offered 24 hours a day. Once discussion ended, a roll call vote was taken.

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

Municipal Order No. 2010 - 238 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2010 – 239

**MUNICIPAL ORDER AUTHORIZING EXECUTION OF DEED
BETWEEN FOREVER COMMUNICATIONS, INC. AND THE CITY
OF BOWLING GREEN FOR GREENWAY PURPOSES**

Summary of Municipal Order No. 2010 - 239 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 described the evolving greenways development in the Boatlanding area and the ability to utilize this land. City Attorney Gene Harmon reviewed the deed and donation of 5 acres of land to the City, giving credit to Greenways Coordinator Josh Moore. Mayor Walker asked for additional discussion, and with none, a roll call vote was taken.

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

Municipal Order No. 2010 - 239 was approved by unanimous vote.

**ORDINANCE NO. BG2010 – 36
(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 AND SPECIAL REVENUE REFUNDING BONDS, SERIES 2010 IN THE AGGREGATE PRINCIPAL AMOUNT OF \$28,135,000 (SUBJECT TO A PERMITTED ADJUSTMENT INCREASING OR DECREASING THE SIZE OF SAID BONDS BY UP TO \$1,000,000) AND GENERAL OBLIGATION AND SPECIAL REVENUE REFUNDING BONDS, SERIES 2011 IN THE AGGREGATE PRINCIPAL AMOUNT OF \$1,815,000 (SUBJECT TO A PERMITTED ADJUSTMENT INCREASING OR DECREASING THE SIZE OF SAID BONDS BY UP TO \$180,000), EACH FOR THE PURPOSE OF REFUNDING ALL OR A PORTION OF THE CITY'S OUTSTANDING GENERAL OBLIGATION AND SPECIAL REVENUE BONDS, SERIES 2002B AND GENERAL OBLIGATION AND SPECIAL REVENUE BONDS, SERIES 2002C; APPROVING FORMS 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 OR FUNDS; 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. BG2010 - 36 was read by the Assistant City Manager/City Clerk. Motion was made by Hamilton and seconded by Wilkerson for first reading of

said Ordinance. DeFebbo indicated Western Kentucky University's (WKU) request to refinance the bonds was presented at the October 19th work session. Chief Financial Officer Jeff Meisel stated there was no extension to the series' term and that there was no negative impact on City finances with the refinancing.

In response to a question from Comm. Denning, Mark Rawlings of Hilliard Lyons explained the old bonds would be retired and the new bonds would maintain the same payment structure with the dedication of WKU revenues from student athletic fees and income from the Diddle Arena luxury box rentals. In an effort to simplify the motive for refinancing, Mayor Walker specified that WKU was taking advantage of lower interest rates to cut its payment costs. With no further discussion, a roll call vote was taken.

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

First reading of Ordinance No. BG2010 - 36 was approved by unanimous vote.

ADJOURNMENT

This being a special meeting and with no further business to come before the Board of Commissioners, at approximately 3:35 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