

**MINUTES of REGULAR MEETING
of the BOARD of COMMISSIONERS
of the CITY of BOWLING GREEN, KENTUCKY
held MAY 5, 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 May 5, 2009. Mayor Elaine N. Walker called the meeting to order. An invocation was given by Rev. Jerry Riney of Holy Spirit 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 Bruce Wilkerson, Commissioner Joe W. Denning, Commissioner Catherine Hamilton, Commissioner Brian "Slim" Nash and Mayor Elaine N. Walker. Absent: none. There was a full quorum of the Board of Commissioners.

AWARDS & RECOGNITIONS

Police Chief Doug Hawkins announced that the Police Department's annual Employee Awards were presented on April 24th. He recognized a few of the recipients starting with a 30-year service award for Communications Supervisor Becky Burns; five Medals of Merit awarded to Robert Kitchen, Ben Stickle, Patrick Donoghue, Ben Carroll and David Hall; and seven Lifesaving Medals awarded to Robert Kitchen, Wade Hughes, Mike Rexroat, Brian Harrell, Ernie Steff (in attendance at the meeting), Curt Clark and David Marshall. Chief Hawkins also gave special recognition to Jamie Luttrell for participating in a bone marrow drive which ultimately saved the life of a child in Kentucky.

CITY MANAGER

City Manager Kevin D. DeFebbo requested a closed session for the purpose of discussion of pending litigation against the City. Motion was made by Wilkerson and seconded by Nash to convene in closed session following the regular meeting pursuant to KRS 61.810 (c). Walker called for roll call vote.

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

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

At the City Manager's request, Chief Financial Officer Jeff Meisel provided a preview of the revenue projections for the Fiscal Year 2010 General Fund budget of \$49,077,500. He compared the projections to the Fiscal Year 2008 actual revenues and to the Fiscal Year 2009 revenue budget. He noted that the Property Tax rate included a 4% increase and Occupational Fees included a 10.3% decrease based on economic conditions to date. He also indicated that the FY2010 revenues were anticipated to be below the actual revenues received for FY2006.

APPROVAL OF MINUTES

Minutes of Regular Meeting April 21, 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 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: Wilkerson, Denning, Hamilton, Nash and Walker
 Voting Nay: None

Motion to approve the minutes of the regular meeting of April 21, 2009 was approved by unanimous vote.

PUBLIC COMMENTS

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

CONSENT AGENDA

Mayor Walker commented about the recommended board appointment and Comm. Nash requested that Municipal Order No. 2009 – 88 be removed from the Consent Agenda and considered at the end of the regular agenda. With only one item remaining on the Consent Agenda, Assistant City Manager/City Clerk Katie Schaller read the summary of the following item:

MUNICIPAL ORDER NO. 2009 – 87

MUNICIPAL ORDER APPROVING THE YEAR 6 ANNUAL ACTION PLAN OF THE CONSOLIDATED PLAN FOR COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) ENTITLEMENT FUNDING AND AUTHORIZING ITS SUBMISSION TO THE U. S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

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

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

Motion to accept the Consent Agenda as presented was approved by majority vote. Comm. Nash abstained to avoid any appearance of impropriety since his place of employment, Bellewood Presbyterian Home for Children, was being awarded funding under the CDBG Annual Plan.

REGULAR AGENDA

ORDINANCE NO. BG2009 – 9

(Second Reading)

ORDINANCE AMENDING ZONING ORDINANCE

ORDINANCE AMENDING THE TEXT OF THE ZONING ORDINANCE TO CONVERT 124 PARCELS FROM VARIOUS NON-PUBLIC ZONING CLASSIFICATIONS TO P (PUBLIC) AND CB (CENTRAL BUSINESS) FOR THE CITY OF BOWLING GREEN, KENTUCKY AS RECOMMENDED BY THE CITY-COUNTY PLANNING COMMISSION

Title and summary of Ordinance No. BG2009 - 9 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: Wilkerson, Denning, Hamilton, Nash and Walker
 Voting Nay: None

Ordinance No. BG2009 - 9 was adopted by unanimous vote.

ORDINANCE NO. BG2009 - 10

(Second Reading)

ORDINANCE RELATING TO BUDGET AMENDMENT

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

Title and summary of Ordinance No. BG2009 - 10 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: Wilkerson, Denning, Hamilton, Nash and Walker
 Voting Nay: None

Ordinance No. BG2009 - 10 was adopted by unanimous vote.

MUNICIPAL ORDER NO. 2009 - 89

**MUNICIPAL ORDER APPROVING A CONTRACT THROUGH
NONCOMPETITIVE NEGOTIATIONS WITH JOHN DEERE
COMPANY OF CARY, NORTH CAROLINA, THROUGH
HARTLAND EQUIPMENT CORPORATION OF BOWLING GREEN,
KENTUCKY UNDER THE KENTUCKY STATE PRICING
CONTRACT FOR THE PURCHASE OF A JOHN DEERE 5075M
UTILITY TRACTOR AND FRONT LOADER IN THE TOTAL
AMOUNT OF \$30,206.16**

Summary of Municipal Order No. 2009 - 89 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 reviewed and recommended the purchase of a new tractor and loader for the Parks and Recreation, Golf Division. He explained that it would replace a 1984 tractor which had out lived its serviceability. Mayor Walker asked for additional discussion, and with none, a roll call vote was taken.

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

Municipal Order No. 2009 - 89 was approved by unanimous vote.

ORDINANCE NO. BG2009 - 11

(First Reading)

ORDINANCE AMENDING CODE OF ORDINANCES

ORDINANCE AMENDING CHAPTERS 21 (STREETS AND SIDEWALKS) AND 27 (PROPERTY CODE) OF THE CITY OF BOWLING GREEN CODE OF ORDINANCES TO AUTHORIZE THE TEMPORARY PLACEMENT OF REAL ESTATE SIGNS IN DESIGNATED AREAS OF CITY OWNED PUBLIC RIGHTS-OF-WAY

Title and summary of Ordinance No. BG2009 - 11 was read by the Assistant City Manager/City Clerk. Motion was made by Wilkerson and seconded by Denning for first reading of said Ordinance. Mayor Walker indicated that the local realtors brought this issue forward requesting a change in the ordinance language relating to temporary signs.

Comm. Nash questioned the impact to other signage in rights-of-way. City Attorney Gene Harmon explained that this ordinance specifically addressed real estate signs for sale of homes and did not change off-premise or commercial business sign restrictions. Mayor Walker asked for additional discussion, and with none, a roll call vote was taken.

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

First reading of Ordinance No. BG2009 - 11 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2009 - 90

MUNICIPAL ORDER SUPPORTING THE CREATION OF A COMMUNITY ENERGY ALLIANCE AND SUPPORTING SUBMISSION OF A PROPOSAL FROM THE BARREN RIVER AREA DEVELOPMENT DISTRICT FOR SOUTHEAST ENERGY EFFICIENCY ALLIANCE FUNDS IN THE AMOUNT NOT TO EXCEED \$500,000

Summary of Municipal Order No. 2009 - 90 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 this item was discussed at the work session and a modified Municipal Order had been drafted for the Board's consideration. City Attorney Gene Harmon reviewed the revised language in the Municipal Order. Mayor Walker asked for additional discussion, and with none, a roll call vote was taken.

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

Municipal Order No. 2009 - 90 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2009 - 88

MUNICIPAL ORDER APPROVING THE REAPPOINTMENT OF DAVID WISEMAN TO THE BOWLING GREEN AREA CONVENTION AND VISITORS BUREAU

Summary of Municipal Order No. 2009 - 88 was read by the Assistant City Manager/City Clerk. Motion was made by Denning and seconded by Wilkerson for consideration of said Municipal Order. Comm. Nash explained that he requested this item be removed from the Consent Agenda so

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he could cast his vote in favor of the board appointment. Mayor Walker asked for additional discussion, and with none, a roll call vote was taken.

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

Voting Nay: None

Municipal Order No. 2009 - 88 was approved by unanimous vote.

WORK SESSION CONTINUED

The work session agenda continued at approximately 7:25 p.m. with the discussion of the three remaining items: 4) Legislative budget for Fiscal Year 2009/2010; 5) police escorts in the event of weddings; and 6) Board of Commissioners policy initiatives. Commissioners Denning and Hamilton and Mayor Walker agreed to set the Legislative budget at \$32,645, which was 4% less than the FY2009 budget without personnel costs. Commissioners Wilkerson and Nash supported the staff's recommendation of \$28,663 or less. There was also consensus from the Board of Commissioners to support Chief Hawkins' position regarding police escort services for private events. There were no policy initiatives presented.

Commissioner Nash read the following prepared statement in response to remarks made at the afternoon portion of the work session during the discussion of proposed revisions to Chapter 25 (Code of Ethics):

"I will not allow the Mayor's comments during the work session to go unaddressed. She indicated that I somehow personally benefit from the CDBG funding that was approved earlier. Nothing could be further from the truth. The real benefactors of these monies are homeless youth. Those ages 18-24 are the fastest growing segment of the US homeless population, the Commonwealth of Kentucky is no exception. To assert that the noble work that is performed all over the Commonwealth by the loyal employees of Bellewood Presbyterian Home for Children is somehow on par with the Mayor and her husband producing television media, in my opinion, is shameful and out of line."

Mayor Walker countered that she did not make that comment. She indicated that she had previously stated that she had been the recipient of a question from an individual who raised the issue and her response back to that individual was that any member of this Board who is employed by an organization simply abstains on the vote.

CLOSED SESSION

Following a brief recess to clear the Commission Chamber, the Board of Commissioners met at approximately 8:25 p.m. in closed session pursuant to KRS 61.810 (c) as previously approved. City Manager Kevin DeFebbo confirmed there was no action anticipated 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 9:05 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) proposed revisions to Chapter 2 (Administration) and Chapter 25 (Code of Ethics) of the City of Bowling Green Code of Ordinances; 2) launching a Community Energy Alliance from the Southeast Energy Efficiency Alliance; and 3) the proposed use of Energy Block Grant funding. Comm. Nash stated he had a personal engagement and excused himself from the remainder of the work session at approximately 5:10 p.m.

At approximately 6:05 p.m., Mayor Walker recommended that the three remaining items planned for discussion at the work session be placed at the end of the Board of Commissioners regular meeting agenda. Those items included: 4) Legislative budget for Fiscal Year 2009/2010; 5) police escorts in the event of weddings; and 6) Board of Commissioners policy initiatives. There were no objections stated (see above “work session continued” for more details regarding the actual discussion during the meeting).

ADOPTED: _____

APPROVED: _____
Mayor, Chairman of Board of Commissioners

ATTEST: _____
City Clerk

Minutes prepared by Assistant City Manager/City Clerk Katie Schaller