

**MINUTES of REGULAR MEETING
of the BOARD of COMMISSIONERS
of the CITY of BOWLING GREEN, KENTUCKY
held NOVEMBER 15, 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 November 15, 2011. Mayor Bruce Wilkerson called the meeting to order. An invocation was given by Commissioner Bill Waltrip, 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 Melinda M. Hill, Commissioner Brian "Slim" Nash, Commissioner Bill Waltrip and Mayor Bruce Wilkerson. Absent: none. There was a quorum of the Board of Commissioners.

SPECIAL ELECTION

With Commissioner Bruce Wilkerson being elected Mayor following a special election held on November 8, 2011 and sworn-in at 6:30 p.m. just prior to this meeting, a vacancy in the position of Commissioner was created. Mayor Wilkerson requested that a late-filed Municipal Order be added to the agenda to consider an appointment to fill that vacancy. Motion was made by Nash and seconded by Hill to add Municipal Order No. 2011 - 217 to the agenda. With no discussion, a roll call vote was taken.

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

Motion to add Municipal Order No. 2011 - 217 to the agenda for consideration at this time was approved by unanimous vote.

MUNICIPAL ORDER NO. 2011 - 217

**MUNICIPAL ORDER APPOINTING JOE W. DENNING
COMMISSIONER OF THE CITY OF BOWLING GREEN TO FILL
THE VACANCY CREATED BY THE SPECIAL ELECTION OF
BRUCE WILKERSON TO THE POSITION OF MAYOR**

Summary of Municipal Order No. 2011 - 217 was read by the Assistant City Manager/City Clerk. Motion was made by Nash and seconded by Hill for consideration of said Municipal Order. Mayor Wilkerson commented about the lengthy process the Board used previously to appoint Melinda Hill to fill Commissioner Denning's vacated seat after he was appointed Mayor. He further recounted that Mr. Denning had received the most votes in the 2010 general election to serve a two year term as City Commissioner and had stepped up to fill the role of Mayor following Mayor Walker's resignation for a few months until a special election could be held. Mayor Wilkerson stated it seemed to be the logical choice to appoint Mr. Denning back on the Board to finish out his original term in office.

Comm. Waltrip read a prepared statement to explain his vote on the issue which was directed at the process for filling the vacant seat. He further explained his reasoning for previously supporting the appointment of Mr. Denning to serve as Mayor since Mr. Denning was Mayor Pro Tem at the time and for voting for Comm. Wilkerson to be Mayor Pro Tem. He maintained that both those decisions were based on a process and directly related to the results of the 2010 general election. He

specified that it was his belief the person who came in second, regardless of who that person was, in the 2011 special election race for Commissioner should be appointed to the vacant position, which was consistent with the position he took when Ms. Hill was appointed to the Board in March. Comm. Waltrip stated he respected each person serving on the Board and their belief that they were doing what they believed to be in the best interest of the City, just as his convictions led him to uphold the integrity of the election process. He disclosed that he previously discussed his views with Mr. Denning and that his vote against this Municipal Order was not a negative reflection against Mr. Denning nor would it affect his relationship to work together on the Board. With no other discussion, a roll call vote was taken.

ROLL CALL: Voting Yea: Nash, Hill and Wilkerson

 Voting Nay: Waltrip

Municipal Order No. 2011 - 217 was approved by majority vote.

SWEARING-IN OF COMMISSIONER JOE W. DENNING

Mayor Wilkerson requested that Mr. Denning step forward and Circuit Court Judge Steve Wilson administered the Oath of Office for Commissioner of Bowling Green, Kentucky to Joe W. Denning. Mr. Denning joined the Board of Commissioners and took his seat at the dais. He voiced his appreciation for the vote of confidence to continue to serve the citizens of Bowling Green and stated he would continue to do the best he could to represent the City. He also thanked Comm. Hill for changing seats at the dais so he could again take the seat located closest to the door. Mayor Wilkerson welcomed Comm. Denning back and remarked that the full Board of Commissioners was once again ready to get down to business.

AWARDS & RECOGNITIONS

Operation P.R.I.D.E. Executive Director Ray Lackey presented P.R.I.D.E.'s monthly commercial award for improvements made to Jim Johnson Nissan and Hyundai located at 2200 Scottsville Road, which was accepted by Linda Broderick and Rick Williams. Jeff and Kathy Spanski accepted the residential award for improvements made to their property located at 1015 Highland Way. Mr. Lackey also commented about Operation P.R.I.D.E.'s involvement in the State's rehabilitation of I-65 exit 22 interchange and made a commitment to ensure that efforts already begun to beautify that corridor remain intact and continue to expand.

CITY MANAGER

City Manager Kevin D. DeFebbo requested a closed session for the purpose of discussion for 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, and for discussion of proposed and pending litigation against the City. Motion was made by Waltrip and seconded by Nash to convene in closed session following the regular meeting pursuant to KRS 61.810 (1) (b) and (c). Mayor Wilkerson called for roll call vote.

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

 Voting Nay: None

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

APPROVAL OF MINUTES

Minutes of Regular Meeting November 1, 2011

Minutes of the above-referenced meeting were distributed to the Board of Commissioners with the Agenda for their review. Motion was made by Hill and seconded by Nash to approve said minutes as written. Mayor Wilkerson asked for discussion, and with none, a roll call vote was taken.

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

Motion to approve the minutes of the regular meeting of November 1, 2011 was approved by unanimous vote.

PUBLIC COMMENTS

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

REGULAR AGENDA

ORDINANCE NO. BG2011 - 43
(Second Reading)
ORDINANCE REZONING REAL ESTATE

ORDINANCE REZONING A TRACT OF LAND CONTAINING 0.23 ACRE FROM RM-3 (MULTI-FAMILY RESIDENTIAL) TO OP-R (OFFICE AND PROFESSIONAL - RESIDENTIAL) LOCATED AT 1225 CHESTNUT STREET, PRESENTLY OWNED BY SENAD AND SLADJANA VELETANLIC

Title and summary of Ordinance No. BG2011 - 43 was read by the Assistant City Manager/City Clerk. Motion was made by Nash and seconded by Hill for second reading of said Ordinance. Mayor Wilkerson asked for discussion, and with none, a roll call vote was taken.

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

Ordinance No. BG2011 - 43 was adopted by unanimous vote.

ORDINANCE NO. BG2011 - 44
(Second Reading)
ORDINANCE REZONING REAL ESTATE

ORDINANCE REZONING A TRACT OF LAND CONTAINING 14.2 ACRES FROM RM-3 (MULTI-FAMILY RESIDENTIAL) TO PUD (PLANNED UNIT DEVELOPMENT) LOCATED AT 350 GLEN LILY ROAD, PRESENTLY OWNED BY HABITAT FOR HUMANITY

Title and summary of Ordinance No. BG2011 - 44 was read by the Assistant City Manager/City Clerk. Motion was made by Denning and seconded by Nash for second reading of said Ordinance. Mayor Wilkerson asked for discussion, and with none, a roll call vote was taken.

ROLL CALL: Voting Yea: Nash, Waltrip, Hill, Denning and Wilkerson
 Voting Nay: None
Ordinance No. BG2011 - 44 was adopted by unanimous vote.

MUNICIPAL ORDER NO. 2011 - 208

MUNICIPAL ORDER APPROVING THE CAREER PATH
ADVANCEMENT OF W. DERRICK SANDERS TO THE POSITION
OF OPERATIONS TECHNICIAN I IN THE PUBLIC WORKS
DEPARTMENT

Summary of Municipal Order No. 2011 - 208 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 referred to the established career path program. He stated that Mr. Sanders had met all the requirements and recommended his advancement. Mayor Wilkerson asked for additional discussion, and with none, a roll call vote was taken.

ROLL CALL: Voting Yea: Nash, Waltrip, Hill, Denning and Wilkerson
 Voting Nay: None
Municipal Order No. 2011 - 208 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2011 - 209

MUNICIPAL ORDER AUTHORIZING A CONTRACT THROUGH
NONCOMPETITIVE NEGOTIATIONS WITH WHP TRAINING
TOWERS OF OVERLAND PARK, KANSAS FOR THE
INSTALLATION AND PURCHASE OF MATERIALS FOR THE
FIRE DEPARTMENT BURN BUILDING REFURBISHMENT
LOCATED AT THE PUBLIC SAFETY TRAINING CENTER IN THE
AMOUNT OF \$158,846

Summary of Municipal Order No. 2011 - 209 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 about the use of the burn building to practice and train firefighters, and he recommended the bid award. Deputy Fire Chief Todd Napier responded to a question about the ability to extend the life of the 1988 building with this refurbishment. Mayor Wilkerson asked for additional discussion, and with none, a roll call vote was taken.

ROLL CALL: Voting Yea: Nash, Waltrip, Hill, Denning and Wilkerson
 Voting Nay: None
Municipal Order No. 2011 - 209 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2011 - 210

MUNICIPAL ORDER AUTHORIZING THE CONTINUATION OF
SOFTWARE SUBSCRIPTION AND MAINTENANCE SERVICES
FROM OPEN TEXT, INC. IN THE AMOUNT OF \$26,126.02

Summary of Municipal Order No. 2011 - 210 was read by the Assistant City Manager/City Clerk. Motion was made by Nash and seconded by Hill for consideration of said Municipal Order. DeFebbo recommended to continue the subscription for on-going maintenance services. Mayor Wilkerson asked for additional discussion, and with none, a roll call vote was taken.

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

Municipal Order No. 2011 - 210 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2011 - 211

MUNICIPAL ORDER APPROVING AND AUTHORIZING AN
ACCESS MANAGEMENT MEMORANDUM OF UNDERSTANDING
BETWEEN THE CITY OF BOWLING GREEN, KENTUCKY
TRANSPORTATION CABINET, BOWLING GREEN
METROPOLITAN PLANNING ORGANIZATION AND WARREN
COUNTY FISCAL COURT

Summary of Municipal Order No. 2011 - 211 was read by the Assistant City Manager/City Clerk. Motion was made by Denning and seconded by Hill for consideration of said Municipal Order. DeFebbo explained the approach to work collaboratively to control access to roadways and ensure cooperation between agencies. Mayor Wilkerson asked for additional discussion, and with none, a roll call vote was taken.

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

Municipal Order No. 2011 - 211 was approved by unanimous vote.

ORDINANCE NO. BG2011 - 45

(First Reading)

ORDINANCE CLOSING A PUBLIC RIGHT-OF-WAY

ORDINANCE APPROVING THE CLOSING OF THREE ALLEYS
BOUNDED BY KENTUCKY STREET, CENTER STREET, 9TH
AVENUE/EAST MAIN AND 8TH AVENUE

Title and summary of Ordinance No. BG2011 - 45 was read by the Assistant City Manager/City Clerk. Motion was made by Nash and seconded by Waltrip for first reading of said Ordinance. DeFebbo stated that this item was recommended for approval by the City-County Planning Commission. Mayor Wilkerson asked for additional discussion, and with none, a roll call vote was taken.

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

First reading of Ordinance No. BG2011 - 45 was approved by unanimous vote.

ORDINANCE NO. BG2011 - 46

(First Reading)

ORDINANCE REZONING REAL ESTATE

ORDINANCE REZONING A TRACT OF LAND CONTAINING 4.04 ACRES FROM GB (GENERAL BUSINESS) TO PUD (PLANNED UNIT DEVELOPMENT) LOCATED AT EAST MAIN AVENUE, 8TH AVENUE, KENTUCKY STREET AND CENTER STREET, PRESENTLY OWNED BY BOWLING GREEN MUNICIPAL UTILITIES

Title and summary of Ordinance No. BG2011 - 46 was read by the Assistant City Manager/City Clerk. Motion was made by Nash and seconded by Denning for first reading of said Ordinance. DeFebbo stated this item was recommended for approval by the City-County Planning Commission. Mayor Wilkerson asked for additional discussion, and with none, a roll call vote was taken.

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

First reading of Ordinance No. BG2011 - 46 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2011 - 212

MUNICIPAL ORDER APPROVING FISCAL YEARS 2011/2012 THROUGH 2014/2015 CAPITAL IMPROVEMENT PROGRAM FOR THE CITY OF BOWLING GREEN, KENTUCKY

Summary of Municipal Order No. 2011 - 212 was read by the Assistant City Manager/City Clerk. Motion was made by Denning and seconded by Waltrip for consideration of said Municipal Order. DeFebbo recounted that the capital plan was discussed at a previous work session. He noted that following the work session two revisions had been made to update the total cost for the Smallhouse/Cave Mill Intersection Project and to push back the Police Security Fencing Project since grant funds were not awarded. He explained this was an evolutionary document that identifies potential future projects, which was subject to change following the annual strategic planning process and available sources of funding. Mayor Wilkerson reiterated that the Board was familiar with the product since it was discussed at a work session and he asked for additional discussion. With no further discussion, a roll call vote was taken.

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

Municipal Order No. 2011 - 212 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2011 - 213

MUNICIPAL ORDER AUTHORIZING THE ACCEPTANCE OF A GRANT FROM THE KENTUCKY OFFICE OF HOMELAND SECURITY FOR THE 2011 HOMELAND SECURITY GRANT PROGRAM IN THE AMOUNT OF \$53,000 FOR THE PURCHASE OF MOBILE RADIOS FOR THE POLICE DEPARTMENT

Summary of Municipal Order No. 2011 - 213 was read by the Assistant City Manager/City Clerk. Motion was made by Waltrip and seconded by Hill for consideration of said Municipal Order.

DeFebbo reviewed and recommended the acceptance of grant funds. Mayor Wilkerson asked for additional discussion, and with none, a roll call vote was taken.

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

Municipal Order No. 2011 - 213 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2011 - 214

MUNICIPAL ORDER APPROVING RENTAL FEES FOR CIRCUS SQUARE PARK, FOUNTAIN SQUARE PARK AND RIVERWALK AT MITCH MCCONNELL PARK

Summary of Municipal Order No. 2011 - 214 was read by the Assistant City Manager/City Clerk. Motion was made by Nash and seconded by Hill for consideration of said Municipal Order. DeFebbo recounted that the proposed revisions to the fee schedule were discussed at a previous work session and resulted from taking back the management of the parks from the Downtown Redevelopment Authority (DRA) earlier in the year. He further indicated that from a holistic point of view, several minor separate charges were eliminated and others were consolidated to make it easier for the renter to understand the requirements.

Based on the work session discussion, Comm. Hill inquired if further research had been completed to find ways to block off the parks during events, especially Fountain Square, and possible pricing options. City Central Coordinator Bobbi Jo Sexton responded that she was looking into that along with some other options for Fountain Square. Comm. Nash inquired as to how the two organizations, DRA and Fountain Square Merchants Association, were determined to receive a rental fee waiver. Ms. Sexton explained it was in consideration of the type and size of annual community events held which were free to the public, such as Concerts in the Park, Downtown Holiday Lights Up, Second Saturdays and Scare on the Square, in addition to the organizations being housed downtown. She noted that the organizations would still be required to obtain and have the proper insurance for each event. Mayor Wilkerson asked for additional discussion, and with none, a roll call vote was taken.

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

Municipal Order No. 2011 - 214 was approved by unanimous vote.

ORDINANCE NO. BG2011 - 47

(First Reading)

ORDINANCE RELATING TO BUDGET AMENDMENT

ORDINANCE APPROVING AMENDMENT NUMBER ONE TO THE CITY OF BOWLING GREEN, KENTUCKY ANNUAL OPERATING BUDGET FOR FISCAL YEAR 2012

Title and summary of Ordinance No. BG2011 - 47 was read by the Assistant City Manager/City Clerk. Motion was made by Denning and seconded by Hill for first reading of said Ordinance. DeFebbo recommended amendments to the operating budget which related to changes that

occurred after adoption. Mayor Wilkerson asked for additional discussion, and with none, a roll call vote was taken.

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

First reading of Ordinance No. BG2011 - 47 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2011 - 215

MUNICIPAL ORDER APPROVING AND ADOPTING THE CITY OF BOWLING GREEN FINANCIAL POLICIES AND PROCEDURES, FORMERLY KNOWN AS THE CONSOLIDATED FINANCIAL POLICY STATEMENTS

Summary of Municipal Order No. 2011 - 215 was read by the Assistant City Manager/City Clerk. Motion was made by Nash and seconded by Hill for consideration of said Municipal Order. DeFebbo indicated there was a periodic need to update standard operating procedures for financial purposes. Chief Financial Officer Jeff Meisel explained that an entire overhaul, including a new document title, was necessary to reflect several changes related to segregation of duties, use of a new financial software system, and requirements handed down by the Governmental Accounting Standards Board (GASB) and Government Finance Officers Association (GFOA). Mayor Wilkerson asked for additional discussion, and with none, a roll call vote was taken.

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

Municipal Order No. 2011 - 215 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2011 - 216

MUNICIPAL ORDER AMENDING THE CITY OF BOWLING GREEN PROCUREMENT CARD POLICY AND PROCEDURES INCORPORATED IN THE FINANCIAL POLICIES AND PROCEDURES (FORMERLY CONSOLIDATED FINANCIAL POLICY STATEMENTS)

Summary of Municipal Order No. 2011 - 216 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 recommended revisions that related to the use of procurement cards. Chief Financial Officer Jeff Meisel indicated this was a standalone policy to provide the ability to make periodic changes. He outlined the major changes that included adding restrictions for the purchase of gift cards and increasing spending limits to align with the recent revisions approved in the Purchasing Policies and Procedures Manual. Mr. Meisel thanked his staff for the work completed with updating this Policy and the Financial Policies. Mayor Wilkerson asked for additional discussion, and with none, a roll call vote was taken.

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

Municipal Order No. 2011 - 216 was approved by unanimous vote.

ORDINANCE NO. BG2011 - 48

(First Reading)

ORDINANCE PROVIDING FOR ISSUANCE OF WATER AND SEWER REVENUE BONDS

ORDINANCE OF THE CITY OF BOWLING GREEN, KENTUCKY, AUTHORIZING AND PROVIDING FOR THE ISSUANCE OF CITY OF BOWLING GREEN WATER AND SEWER REVENUE BONDS, SERIES 2011 AND SERIES 2012 FOR THE PURPOSE OF FINANCING THE ACQUISITION, CONSTRUCTION AND EQUIPPING OF A NEW OFFICE AND ADMINISTRATIVE BUILDING FOR USE AND OPERATIONS OF BOWLING GREEN MUNICIPAL UTILITIES (BGMU)

Title and summary of Ordinance No. BG2011 - 48 was read by the Assistant City Manager/City Clerk. Motion was made by Nash and seconded by Denning for first reading of said Ordinance. DeFebbo reviewed the request by BGMU for issuance of revenue bonds and to maximize the use of the City’s annual \$10 million bank qualified limit. BGMU General Manager Mark Iverson explained the need to replace its existing 50 year old facility with a new modern facility which would be more strategically placed on the property foot print to better serve its customers. City Attorney Gene Harmon affirmed that this bond issue did not impose any obligation on the City since it was backed by revenues received from the water and sewer operations of BGMU. Mayor Wilkerson asked for additional discussion, and with none, a roll call vote was taken.

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

First reading of Ordinance No. BG2011 - 48 was approved by unanimous vote.

CLOSED SESSION

Following a brief recess to clear the Commission Chamber, the Board of Commissioners met at approximately 7:45 p.m. in closed session pursuant to KRS 61.810 (1) (b) and (c) as previously approved. Mr. DeFebbo confirmed that no action would 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 8:40 p.m., Mayor Wilkerson declared this meeting adjourned.

ADOPTED: _____

APPROVED: _____
Mayor, Chairman of Board of Commissioners

ATTEST: _____
City Clerk