

**MINUTES of REGULAR MEETING
of the BOARD of COMMISSIONERS
of the CITY of BOWLING GREEN, KENTUCKY
held MARCH 18, 2008**

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 March 18, 2008. Mayor Elaine N. Walker called the meeting to order. An invocation was given by Reverend Howard Surface of Christ Episcopal 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 Brian K. Strow, Commissioner Bruce Wilkerson and Mayor Elaine N. Walker. Absent: Commissioner Joe W. Denning. There was a quorum of the Board of Commissioners.

OPERATION P.R.I.D.E. AWARD

Operation P.R.I.D.E. Executive Director Karen Hume said that awards are presented to those that have made significant improvements to residential and non-residential property. For the month of March, Ms. Hume presented the residential award to Andrew Wollin and Jason Hildebran for their property located at 621 East Main Street. Mr. Hildebran and Mr. Wollin accepted the award and provided a brief overview of the work completed to restore historical elements of the house.

ANNOUNCEMENT

Mayor Walker announced that American Howa Company had its grand opening earlier in the day at its new facility located in the Transpark.

CITY MANAGER

City Manager Kevin D. DeFebbo requested a closed session for the purpose of discussion of the future acquisition and sale 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 property to be sold by the City, for proposed and pending litigation against and on behalf of the City, and for discussions between the City and a representative of business entities and for discussions concerning specific proposals, as open discussions would jeopardize the siting, retention, expansion or upgrading of the businesses. 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 (g). Walker called for roll call vote.

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

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

Mr. DeFebbo also requested that Municipal Order No. 2008 – 72 be added to the agenda as a late-filed item for consideration of Change Order No. 2 to the Circus Square Park Project as requested by the Downtown Redevelopment Authority (DRA) at the earlier work session. Motion was made by Wilkerson and seconded by Strow to add Municipal Order No. 2008 – 72 to the agenda for consideration.

Following discussion about the addition of late-filed items to the agenda, a roll call vote was taken.

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

Motion to add Municipal Order No. 2008 – 72 for consideration at the end of the regular agenda was approved by unanimous vote.

Mayor Walker also requested the addition of Resolution No. 2008 – 3 to express support for House Bill 600 of the 2008 Kentucky General Assembly, which proposed needed changes to the County Employees Retirement System (CERS) that would benefit local governments. Following some discussion, the item was not added to the agenda in order to allow the members an opportunity to review the information which was provided just prior to the start of the meeting. Members agreed to discuss it further toward the end of the meeting.

APPROVAL OF MINUTES

Minutes of Regular Meeting March 4, 2008

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

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

Motion to approve the minutes of the regular meeting of March 4, 2008 was approved by unanimous vote.

PUBLIC COMMENTS

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

CONSENT AGENDA

Mayor Walker requested if there were any items to be removed from the Consent Agenda prior to its consideration. With none, Assistant City Manager/City Clerk Katie Schaller read the summaries of each of the following items:

MUNICIPAL ORDER NO. 2008 – 59

MUNICIPAL ORDER AUTHORIZING THE FILING OF A GRANT APPLICATION WITH THE KENTUCKY TRANSPORTATION CABINET FOR FISCAL YEAR 2009 FEDERAL TRANSPORTATION ASSISTANCE UNDER THE SECTION 5307 PROGRAM THROUGH THE FEDERAL TRANSIT ADMINISTRATION IN THE AMOUNT OF \$672,693

MUNICIPAL ORDER NO. 2008 - 60

MUNICIPAL ORDER RATIFYING THE REAPPOINTMENT THROUGH ELECTION OF DEBBIE FUGATE AND THE APPOINTMENT THROUGH ELECTION OF MIKE REXROAT TO THE BOWLING GREEN ENTERPRISE COMMUNITY, INC. BOARD OF DIRECTORS

MUNICIPAL ORDER NO. 2008 - 61

MUNICIPAL ORDER APPROVING THE REAPPOINTMENT OF BERNADETTE TARDY AND APPOINTMENT OF RICHARD MORGAN TO THE BOWLING GREEN ENTERPRISE COMMUNITY, INC. BOARD OF DIRECTORS

MUNICIPAL ORDER NO. 2008 - 62

MUNICIPAL ORDER APPROVING THE REAPPOINTMENT OF CHIP HIGHTOWER TO THE URBAN GROWTH DESIGN REVIEW BOARD

MUNICIPAL ORDER NO. 2008 - 63

MUNICIPAL ORDER APPROVING AND AUTHORIZING OUT-OF-TOWN TRAVEL EXPENSES FOR MAYOR ELAINE N. WALKER TO ATTEND THE U.S. CONFERENCE OF MAYORS 2008 WINTER LEADERSHIP MEETING IN KEY WEST, FLORIDA

MUNICIPAL ORDER NO. 2008 - 64

MUNICIPAL ORDER APPROVING AND AUTHORIZING OUT-OF-TOWN TRAVEL EXPENSES FOR MAYOR ELAINE N. WALKER FOR ATTENDING THE KENTUCKY LEAGUE OF CITIES BOARD MEETING / CITY NIGHT IN FRANKFORT, KENTUCKY

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

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

Motion to accept the Consent Agenda as presented was approved by unanimous vote.

REGULAR AGENDA

ORDINANCE NO. BG2008 - 14

(Second Reading)

ORDINANCE RELATING TO BUDGET AMENDMENT

ORDINANCE APPROVING AMENDMENT NUMBER TWO TO THE CITY OF BOWLING GREEN, KENTUCKY ANNUAL OPERATING BUDGET FOR FISCAL YEAR 2008

Title and summary of Ordinance No. BG2008 - 14 was read by the Assistant City Manager/City Clerk. Motion was made by Wilkerson and seconded by Strow 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, Strow, Wilkerson and Walker

Voting Nay: None

Ordinance No. BG2008 - 14 was adopted by unanimous vote.

ORDINANCE NO. BG2008 - 15

(Second Reading)

ORDINANCE APPROVING ASSIGNMENT OF LEASE

ORDINANCE APPROVING AND CONSENTING TO ASSIGNMENT OF LEASE BY GEORGIA-PACIFIC CONSUMER PRODUCTS LP F/K/A JAMES RIVER PAPER COMPANY, INC. TO DIXIE CONSUMER PRODUCTS LLC

Title and summary of Ordinance No. BG2008 - 15 was read by the Assistant City Manager/City Clerk. Motion was made by Wilkerson and seconded by Strow 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, Strow, Wilkerson and Walker

Voting Nay: None

Ordinance No. BG2008 - 15 was adopted by unanimous vote.

ORDINANCE NO. BG2008 - 16

(Second Reading)

ORDINANCE CREATING AND AUTHORIZING SALE OF GAS FRANCHISE

AN ORDINANCE OF THE CITY OF BOWLING GREEN, KENTUCKY PROVIDING FOR THE CREATION AND SALE OF A NON-EXCLUSIVE FRANCHISE FOR THE PRIVILEGE OF CONSTRUCTING, TRANSPORTING, OPERATING, MAINTAINING AND DISTRIBUTING NATURAL GAS ALONG AND UNDER PUBLIC RIGHT-OF-WAY WITHIN THE CITY OF BOWLING GREEN, KENTUCKY FOR A TERM OF TEN (10) YEARS IN CONSIDERATION FOR WHICH, THE SUCCESSFUL FRANCHISEE SHALL PAY TO THE CITY AN ANNUAL SUM EQUAL TO A

MINIMUM OF ONE PERCENT (1%) OF THE GROSS REVENUES DERIVED FROM THE FRANCHISE AWARDED HEREIN; AND FURTHER ESTABLISHING A BID PROCEDURE FOR THE AWARD OF SAID FRANCHISE TO THE SUCCESSFUL BIDDER

Title and summary of Ordinance No. BG2008 - 16 was read by the Assistant City Manager/City Clerk. Motion was made by Wilkerson and seconded by Strow for second reading of said Ordinance. Comm. Strow stated that he would support this item to continue collection of the one percent franchise fee. However, he stated that he did not support the previously approved Municipal Order No. 2008 - 30 to divert excess funds to the Welfare Center Board. Mayor Walker asked for discussion, and with none, a roll call vote was taken.

ROLL CALL: Voting Yea: Strow, Wilkerson and Walker
Voting Nay: Nash

Ordinance No. BG2008 - 16 was adopted by majority vote.

MUNICIPAL ORDER NO. 2008 - 65

MUNICIPAL ORDER APPROVING THE PROMOTION OF ROY EARL BASHAM, JR. TO THE POSITION OF OPERATIONS AND MAINTENANCE TECHNICIAN III IN THE PUBLIC WORKS DEPARTMENT, OPERATIONS DIVISION

Summary of Municipal Order No. 2008 - 65 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 recommended the promotion based on the approved career path program for Operations and Maintenance Technicians. Public Works Director Emmett Wood reviewed the qualifications for the recommended promotion. Mayor Walker asked for additional discussion, and with none, a roll call vote was taken.

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

Municipal Order No. 2008 - 65 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2008 - 66

MUNICIPAL ORDER AUTHORIZING AND ACCEPTING BID #2008-48 FOR CONCRETE FROM IRVING MATERIALS INC. OF BOWLING GREEN, KENTUCKY IN THE AMOUNT OF \$31,350

Summary of Municipal Order No. 2008 - 66 was read by the Assistant City Manager/City Clerk. Motion was made by Wilkerson and seconded by Strow for consideration of said Municipal Order. DeFebbo reviewed and recommended the bid award. Mayor Walker asked for additional discussion, and with none, a roll call vote was taken.

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

Municipal Order No. 2008 - 66 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2008 - 67

MUNICIPAL ORDER AUTHORIZING AND ACCEPTING BID #2008-37 FOR RIVERFRONT PARK-WELDON PEETE PARK GREENWAYS CONNECTOR FROM CHARLES DEWEESE CONSTRUCTION COMPANY, INC. OF FRANKLIN, KENTUCKY IN THE AMOUNT OF \$75,677.15

Summary of Municipal Order No. 2008 - 67 was read by the Assistant City Manager/City Clerk. Motion was made by Wilkerson and seconded by Strow for consideration of said Municipal Order. DeFebbo reviewed and recommended the bid award which was requested by the Greenways Commission and did not require any City funds. Mayor Walker asked for additional discussion, and with none, a roll call vote was taken.

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

Municipal Order No. 2008 - 67 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2008 - 68

MUNICIPAL ORDER AMENDING MUNICIPAL ORDER NO. 2007-39 APPROVING BID #2007-29 FOR CREEKWOOD GREENWAY PAVING, SHARED-USE PATH FOR CREEKWOOD VILLAGE SUBDIVISION, FROM KENWAY PAVING, LLC OF BOWLING GREEN, KENTUCKY IN THE AMOUNT OF \$48,800 TO TRANSFER THE CONTRACT TO SCOTTY'S CONTRACTING AND STONE, LLC OF BOWLING GREEN, KENTUCKY

Summary of Municipal Order No. 2008 - 68 was read by the Assistant City Manager/City Clerk. Motion was made by Wilkerson and seconded by Strow for consideration of said Municipal Order. DeFebbo explained that Kenway Paving was bought by Scotty's Contracting and Stone and that Scotty's had agreed to honor the previously approved contract for the Greenways Commission project. Mayor Walker asked for additional discussion, and with none, a roll call vote was taken.

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

Municipal Order No. 2008 - 68 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2008 - 69

MUNICIPAL ORDER AUTHORIZING AND ACCEPTING BID #2008-34 FOR FISCAL YEAR 2008 SIDEWALK CONSTRUCTION PROGRAM FROM CHARLES DEWEESE CONSTRUCTION COMPANY, INC. OF FRANKLIN, KENTUCKY IN THE AMOUNT OF \$474,649.20

Summary of Municipal Order No. 2008 - 69 was read by the Assistant City Manager/City Clerk. Motion was made by Wilkerson and seconded by Strow for consideration of said Municipal

Order. DeFebbo reminded the Board that this item was discussed at the work session and recommended the bid award to begin construction. Mayor Walker asked for additional discussion, and with none, a roll call vote was taken.

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

Municipal Order No. 2008 - 69 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2008 - 70

MUNICIPAL ORDER APPROVING QUITCLAIM DEED AND
GROUND LEASE AGREEMENT WITH BOWLING GREEN
MUNICIPAL UTILITIES RELATED TO PROPERTY LOCATED
NEAR THE WASTEWATER TREATMENT PLANT

Summary of Municipal Order No. 2008 - 70 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 explained the request by BGMU to take ownership of property to be used for the future expansion of the Wastewater Treatment Plant. He also reviewed the Lease Agreement to provide land for the Parks and Recreation Department to relocate a portion of the Disc Golf Course at Hobson Grove Park. Parks and Recreation Director Ernie Gouvas confirmed that the relocation of the disc golf course was for the prospect of a proposed expansion of the visitor center at the Hobson House. Mayor Walker asked for additional discussion, and with none, a roll call vote was taken.

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

Municipal Order No. 2008 - 70 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2008 - 71

MUNICIPAL ORDER AUTHORIZING AND ACCEPTING BID
#2008-26 FOR JACKETS AND PANTS, HELMETS, BOOTS,
GLOVES AND HOODS (TURNOUT GEAR) FOR THE FIRE
DEPARTMENT FROM BLUEGRASS UNIFORMS OF BOWLING
GREEN, KENTUCKY IN THE AMOUNT OF \$49,295.86

Summary of Municipal Order No. 2008 - 71 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 bid award. Comm. Strow expressed concern with awarding the contract to a company owned by the spouse of an employee. He commended Fire Chief Greg Johnson for taking the issue to the Board of Ethics for its review. Comm. Nash inquired about off-duty fire personnel employed by Bluegrass Uniforms. Chief Johnson confirmed that none of those employees participated in the preparation of the bid specifications or the bid evaluation process. Mayor Walker asked for additional discussion, and with none, a roll call vote was taken.

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

Municipal Order No. 2008 - 71 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2008 - 72

MUNICIPAL ORDER AUTHORIZING CHANGE ORDER NUMBER TWO TO THE CONTRACT WITH SCOTT & MURPHY, INC. FOR THE CIRCUS SQUARE PARK PROJECT IN THE TOTAL AMOUNT OF \$151,655

Summary of Municipal Order No. 2008 - 72 was read by the Assistant City Manager/City Clerk. Motion was made by Nash and seconded by Wilkerson for consideration of said Municipal Order. Mayor Walker noted that this issue was discussed at the work session. Comm. Wilkerson requested that DRA reserve the spending of any funds on signage until the end of the project. Comm. Strow agreed and stated that those funds might be needed for demolition or rehabilitation of the Standard Oil building depending on the outcome of the final decision pertaining to that structure. Comm. Strow made a motion, seconded by Wilkerson, to amend Municipal Order No. 2008 - 72 to delete the \$40,000 to be used for signage. Following discussion about the amendment, a roll call vote was taken.

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

Motion to amend Municipal Order No. 2008 - 72 to remove "design and construct park signage - \$40,000" from Change Order No. 2 for the Circus Square Park Project and to adjust the total amount of the change order to \$111,655 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2008 - 72

(As Amended)

MUNICIPAL ORDER AUTHORIZING CHANGE ORDER NUMBER TWO TO THE CONTRACT WITH SCOTT & MURPHY, INC. FOR THE CIRCUS SQUARE PARK PROJECT IN THE TOTAL AMOUNT OF ~~\$151,655~~ 111,655

Mayor Walker asked for additional discussion, and with none, a roll call vote was taken.

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

Municipal Order No. 2008 - 72 as amended was approved by unanimous vote.

ADD ITEM TO AGENDA

Mayor Walker once again asked if the Board members would agree to add Resolution No. 2008 - 3 supporting House Bill (HB) 600 to the agenda for consideration. She explained that if the Board wanted to take action, it needed to do so immediately since the General Assembly was in session for a short period of time. She provided an overview of HB 600, including a Senate Committee Substitute of HB 600 which would allow cities and counties to form the Local Government Employees Retirement System and create their own governing board of trustees to manage the retirement system and its assets, separate classified school employees from city and county employees for retirement purposes, and give cities a lower employer contribution rate for the next two years. Mr. DeFebbo indicated that local governments currently lack representation on the states Board of Trustees to the retirement system and encouraged the Board to support the legislation.

Following further discussion about the need to take action quickly and the benefits the legislation would provide to local governments, motion was made by Nash and seconded by Wilkerson to add Resolution No. 2008 – 3 to the agenda for consideration. Comm. Strow expressed concern with not having ample time to review the information and stated that he did not support adding the Resolution to the agenda at this time. Once all discussion ended, a roll call vote was taken.

ROLL CALL: Voting Yea: Nash, Wilkerson and Walker
 Voting Nay: Strow

Motion to add Resolution No. 2008 – 3 to the agenda was approved by majority vote.

RESOLUTION NO. 2008 – 3

RESOLUTION EXPRESSING SUPPORT FOR THE PASSAGE OF HOUSE BILL 600 OF THE KENTUCKY LEGISLATURE THAT WILL PROVIDE MUCH NEEDED FISCAL RELIEF TO LOCAL GOVERNMENTS THAT PARTICIPATE IN THE COUNTY EMPLOYEES RETIREMENT SYSTEM (CERS)

Summary of Resolution No. 2008 - 3 was read by the Assistant City Manager/City Clerk. Motion was made by Nash and seconded by Wilkerson for consideration of said Resolution. DeFebbo mentioned that this was the first opportunity to bring the issue to the Board and that he did not intend for the late-filed item to supersede procedures. Mayor Walker commented about the impact of CERS contributions to employers and the benefits from passage of HB 600 for retirement reform. She strongly urged support for the Resolution. Comm. Wilkerson commented that he was not familiar with HB 600 or the Senate Committee Substitute for HB 600, but that he trusted the City Manager’s judgment on the issue. Mayor Walker asked for additional discussion, and with none, a roll call vote was taken.

ROLL CALL: Voting Yea: Nash, Wilkerson and Walker
 Voting Nay: Strow

Resolution No. 2008 - 3 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 (g), at approximately 7:45 p.m., as previously approved.

OPEN SESSION

Once all discussion concluded in closed session, the Board of Commissioners reconvened in open session to consider action. Motion was made by Wilkerson and seconded by Nash to add Municipal Order No. 2008 – 73 to the agenda for consideration. With no discussion, a roll call vote was taken.

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

Motion to add Municipal Order No. 2008 – 73 to the agenda was approved by unanimous vote.

MUNICIPAL ORDER NO. 2008 - 73

MUNICIPAL ORDER AUTHORIZING AND ORDERING
CONDEMNATION OF A PORTION OF THE PROPERTY
BELONGING TO CAROLINE KINSER LOCATED AT 802
BROADWAY AVENUE FOR THE BROADWAY CURVE
REALIGNMENT PROJECT

Summary of Municipal Order No. 2008 - 73 was read by the Assistant City Manager/City Clerk. Motion was made by Nash and seconded by Strow 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, Strow, Wilkerson and Walker
 Voting Nay: None

Municipal Order No. 2008 - 73 was approved by unanimous vote.

ADJOURNMENT

Once all discussion concluded and there being no further business to come before the Board of Commissioners, at approximately 8:20 p.m., Mayor Walker declared this meeting adjourned.

WORK SESSION

Prior to the regular meeting and with no action taken, the Board of Commissioners, excluding Commissioner Denning, convened at 4:00 p.m. in the Commission Chamber of City Hall for a regular work session to discuss the following subjects: 1) the Central Region Innovation and Commercialization Center (ICC) for possible funding as a contract agency; 2) an overview of the Public Works Department Snow Plan and emergency routes; 3) an update of the Fiscal Year 2008 Sidewalk Program schedule; and 4) the Circus Square and Heritage Trail projects, including the possible demolition or rehabilitation of the Standard Oil building.

ADOPTED: _____

APPROVED: _____
Mayor, Chairman of Board of Commissioners

ATTEST: _____
City Clerk

Minutes prepared by Assistant City Manager/City Clerk Katie Schaller