

**MINUTES of REGULAR MEETING
of the BOARD of COMMISSIONERS
of the CITY of BOWLING GREEN, KENTUCKY
held AUGUST 19, 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 August 19, 2008. Mayor Elaine N. Walker called the meeting to order. An invocation was given by Rev. Thomas Anthony of Little Zion Baptist 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 Brian "Slim" Nash, Commissioner Brian K. Strow and Mayor Elaine N. Walker. Absent: none. There was a full quorum of the Board of Commissioners.

OPERATION P.R.I.D.E. AWARDS

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 August, Ms. Hume presented the residential award to the neighbors of the 1200 block of Chestnut Street for their work to beautify the utility strip in front of their houses. David Coffey accepted the award on behalf of the group of neighbors. Nell Renick commented about the flowers that were planted.

Ms. Hume presented the August commercial award to Christ Episcopal Church located at 1215 State Street for its expansion project. John and Nancy Parker, members of the Church Grounds Committee, accepted the P.R.I.D.E. Award on behalf of the Church.

RECOGNITIONS

Mayor Walker recognized the Bowling Green East 11 and 12 year old All-Stars Baseball Team which won the 2008 Kentucky State Championship. She also recognized the coaches and parents also in attendance at the meeting.

CITY MANAGER

City Manager Kevin D. DeFebbo announced that video streaming was now available on the City's website. E-Gov Coordinator Josh Foster presented the new feature, which was an additional media service for viewing Insight Cable City Government Access Channel 4 24-hours a day through the internet. He showed how the internet could be used to watch live broadcasts of the various meetings held in the Commission Chamber, including the meetings of the Board of Commissioners.

Mr. DeFebbo welcomed Police Officer Geoffrey Gleitz who was in attendance to provide increased security during the meeting. He also requested a closed session discussion for the purpose of proposed litigation on behalf of 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, Nash, Strow and Walker
 Voting Nay: None

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

APPROVAL OF MINUTES

Minutes of Regular Meeting August 5, 2008

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, Nash, Strow and Walker
 Voting Nay: None

Motion to approve the minutes of the regular meeting of August 5, 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 – 208

MUNICIPAL ORDER APPROVING THE REAPPOINTMENTS OF WATHETTA BUFORD AND E. QUENTIN HUGHES, AND THE APPOINTMENT OF FREDDIE BROWN TO THE HUMAN RIGHTS COMMISSION

MUNICIPAL ORDER NO. 2008 – 209

MUNICIPAL ORDER APPROVING AND AUTHORIZING OUT-OF-TOWN TRAVEL EXPENSES AND REIMBURSEMENT FOR MAYOR ELAINE N. WALKER TO ATTEND THE KENTUCKY LEAGUE OF CITIES BOARD OF DIRECTORS MEETING IN LOUISVILLE, KENTUCKY

MUNICIPAL ORDER NO. 2008 – 210

MUNICIPAL ORDER APPROVING AND AUTHORIZING OUT-OF-TOWN TRAVEL EXPENSES AND REIMBURSEMENT FOR CITY

MANAGER KEVIN D. DEFEBBO TO ATTEND THE SENIOR EXECUTIVE INSTITUTE AT WELDON COOPER CENTER IN CHARLOTTESVILLE, VIRGINIA

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: Wilkerson, Denning, Nash, Strow and Walker
Voting Nay: None

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

REGULAR AGENDA

ORDINANCE NO. BG2008 - 42

(Second Reading)

ORDINANCE ANNEXING PROPERTY

ORDINANCE ANNEXING UNINCORPORATED TERRITORY CONTAINING APPROXIMATELY 15.44 ACRES IN THE WHITESBORO SUBDIVISION IN THE VICINITY OF CAVE MILL ROAD AND SMALLHOUSE ROAD, WITH ALL SUCH TERRITORY BEING CONTIGUOUS TO EXISTING CITY LIMITS

Title and summary of Ordinance No. BG2008 - 42 was read by the Assistant City Manager/City Clerk. Motion was made by Wilkerson and seconded by Denning 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, Nash, Strow and Walker
Voting Nay: None

Ordinance No. BG2008 - 42 was adopted by unanimous vote.

ORDINANCE NO. BG2008 - 43

(Second Reading)

ORDINANCE CLOSING A PUBLIC RIGHT-OF-WAY

ORDINANCE APPROVING THE CLOSING OF THREE UNNAMED ALLEYS WITHIN BLOCK "8" OF THE TIF DISTRICT

Title and summary of Ordinance No. BG2008 - 43 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 Walker asked for discussion, and with none, a roll call vote was taken.

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

Ordinance No. BG2008 - 43 was adopted by unanimous vote.

ORDINANCE NO. BG2008 - 44

(Second Reading)

ORDINANCE REZONING REAL ESTATE

ORDINANCE REZONING BLOCKS "4" AND "6" OF THE TIF DISTRICT CONTAINING 6.76 ACRES FROM CB (CENTRAL BUSINESS) AND GB (GENERAL BUSINESS) TO PUD (PLANNED UNIT DEVELOPMENT), WITH BINDING ELEMENTS, PRESENTLY OWNED BY TEG ACQUISITIONS, LLC ET AL

Title and summary of Ordinance No. BG2008 - 44 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 Walker asked for discussion, and with none, a roll call vote was taken.

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

Ordinance No. BG2008 - 44 was adopted by unanimous vote.

MUNICIPAL ORDER NO. 2008 - 211

MUNICIPAL ORDER APPROVING THE PROMOTION OF JOHN DWAYNE AUSBROOKS TO THE POSITION OF PARKS MAINTENANCE SUPERVISOR IN THE PARKS AND RECREATION DEPARTMENT, PARKS MAINTENANCE DIVISION

Summary of Municipal Order No. 2008 - 211 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 recent retirement and application process to fill the vacant position. Parks and Recreation Director Ernie Gouvas recommended the promotion. Mayor Walker asked for additional discussion, and with none, a roll call vote was taken.

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

Municipal Order No. 2008 - 211 was approved by unanimous vote.

ORDINANCE NO. BG2008 - 45

(First Reading)

ORDINANCE RELATING TO CLASSIFICATION/PAY SCHEDULE

ORDINANCE AMENDING THE CLASSIFICATION/PAY SCHEDULE "G" FOR GENERAL CLASSIFIED EMPLOYEES OF THE CITY OF BOWLING GREEN FOR FISCAL YEAR 2009

Title and summary of Ordinance No. BG2008 - 45 was read by the Assistant City Manager/City Clerk. Motion was made by Nash and seconded by Wilkerson for first reading of said Ordinance. DeFebbo indicated that with a recent retirement, the Finance Department was continuing its reorganization efforts. Chief Financial Officer Jeff Meisel commented about the process to identify the needs of the Department. Mayor Walker asked for additional discussion, and with none, a roll call vote was taken.

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

First reading of Ordinance No. BG2008 - 45 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2008 - 212

MUNICIPAL ORDER APPROVING REVISIONS TO THE
EMPLOYEE MEDICAL BENEFIT PLAN FOR EMPLOYEES OF
THE CITY OF BOWLING GREEN

Summary of Municipal Order No. 2008 - 212 was read by the Assistant City Manager/City Clerk. Motion was made by Wilkerson and seconded by Walker for consideration of said Municipal Order. DeFebbo reviewed the premise behind the recommended changes proposed by the Employee Health Care Committee, which included 1) a change in plan year, 2) a change in plan design to implement three plan options with a three-tier premium structure within each option, one of which would include a Health Reimbursement Account (HRA), and 3) adding a spousal waiver provision including a one-time incentive payment for removal from the City's plan. He noted that the recommended changes were presented to the Board at the March 4, 2008 work session and again presented to employees on August 13, 2008.

Comm. Denning expressed concern regarding what the employees understood about the proposed changes. Senior System Engineer Steve Milam and Police Officer Todd Porter, both members of the Employee Health Care Committee, responded to questions about the efforts to inform employees and to receive feedback regarding the proposed changes and other possible changes to the Benefit Plan. Human Resources and Risk Management Director Michele Tolbert indicated that she was confident that the majority of the employees were aware of the recommendations and she further reviewed the various avenues taken by Committee members to share the information with their fellow employees.

Comm. Nash stated that he had wrestled with this issue and he commented about the Committee's efforts to explore alternatives to reducing costs. He further stated that he was uncomfortable with the spousal waiver proposal. He voiced concern with systematically eliminating certain groups of people from the Plan and he proposed exploring other options to help reduce costs, such as an opt-out incentive. Comm. Nash made a motion, seconded by Strow, to amend Municipal Order No. 2008 - 212 to change the mandatory spousal waiver to an optional opt-out incentive.

Mr. Porter indicated that members of the Committee were also not comfortable with making the decision regarding a spousal waiver. He explained that the Committee had looked at opt-out incentives, but it was determined after review of such plans and consultation with insurance experts that an opt-out option was not the best course of action for reducing costs.

Mayor Walker stated she wanted to make it clear to the audience that when they were talking about eliminating spouses from the City's Plan, they were referring only to those spouses who have access to group health insurance coverage from their employer. She further explained that the current practice of allowing an employed spouse to opt-out of their employer provided coverage, possibly receiving an incentive, and then utilizing the City's Plan for primary insurance coverage was a bonus to some families. She asked which Commissioners currently took advantage of a spouse's employer provided opt-out incentive and the amount of that benefit.

In response to Mayor Walker's request for full disclosure, Comm. Strow indicated that his spouse participated in an opt-out incentive, but he was not specifically aware of the amount. Comm. Nash stated he did not believe that his spouse received any benefit from her employer for being on the City's Plan. Comm. Wilkerson stated that he did not participate in the City's health insurance plan.

Comm. Denning stated he was not married. Mayor Walker noted that her spouse did not have access to any other insurance coverage.

Comm. Strow thanked the City Manager and employees for looking at the issues and he acknowledged that something needed to be done. He agreed with the proposed plan design choices, particularly the HRA, and change in plan year; however, he expressed concern with the spousal waiver. Comm. Strow disagreed with singling out one group of employees. He stated that all employees should be treated the same. He further stated that he liked giving an incentive to remove people from the Plan, but he did not like making it mandatory.

Mr. Milam commented about an opt-out provision and its limited impact if offered. He indicated that the Committee identified that those who would opt-out would be the healthy ones, potentially causing a reduction in Plan benefits for others due to higher costs. He stated that he believed the greater impact and benefit to reducing costs long-term was with the spousal waiver.

Chief Financial Officer Jeff Meisel requested clarification about how often an opt-out incentive would be offered. Comm. Nash stated he thought it should be every year. He remarked about other companies offering such an incentive and the ability to find an alternative that works for the City.

Mayor Walker remarked that the Board charged the City Manager and staff with making tough choices in reviewing possible changes to the City's health insurance plan. She urged the Board to not approve the amendment to alter the Committee's recommendation.

Neighborhood Action Coordinator Karen Foley expressed her appreciation to the Committee members for taking on the task of identifying and recommending these changes. She commented that most people did not want to lose bits and pieces of the current Plan and that she implicitly trusted the decisions of the Committee.

Comm. Wilkerson and Comm. Denning also thanked the Committee. Each declared his support for the original proposal, since it was employees making the recommendation based on the parameters provided by the Board of Commissioners. Following a clarification of the motion to amend the Municipal Order, a roll call vote was taken.

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

Motion to amend Municipal Order No. 2008 - 212 to eliminate the spousal waiver and to direct the City Manager to bring back a proposal to offer an opt-out incentive to employees was defeated by majority vote.

There was additional discussion about the hard work and difficult decisions made by the Committee, as well as the impact of inflation to the Plan costs. Both Comm. Nash and Comm. Strow voiced their disagreement with rubber stamping the Committee's recommendation. The City's Agent of Record Mark Morgan of Sherril D. Morgan & Associates responded to questions about the impact of inflation of the Plan and increased costs if not addressed. Once all discussion ended, a roll call vote was taken on the Municipal Order as originally presented.

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

Municipal Order No. 2008 - 212 was approved by majority vote.

MUNICIPAL ORDER NO. 2008 - 213

MUNICIPAL ORDER APPROVING AND AUTHORIZING EXECUTION OF AN AGREEMENT WITH THE COMMONWEALTH OF KENTUCKY, TRANSPORTATION CABINET, DEPARTMENT OF HIGHWAYS IN AN AMOUNT NOT TO EXCEED \$45,000 IN REIMBURSABLE FUNDING TO BE USED FOR CONSTRUCTION OF FENCING ALONG THE RIGHT-OF-WAY LINE NORTH OF KY 880 (LOVERS LANE) WITHIN THE STEEPLECHASE SUBDIVISION

Summary of Municipal Order No. 2008 - 213 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 stated that this item was discussed in detail at the earlier work session. Attorney Keith Carwell, representing Jayne Freeman, reported that the concerns expressed at the work session regarding his client's property at 701 Hard Scuffle Court, which included the location of a utility box and fence line, had been resolved to his client's satisfaction. Steeplechase Homeowners Association President Jane Barthelme confirmed that the residents were ready for the project to proceed. Mayor Walker asked for additional discussion, and with none, a roll call vote was taken.

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

Municipal Order No. 2008 - 213 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2008 - 214

MUNICIPAL ORDER AUTHORIZING AND ACCEPTING BID #2008-60 FOR STEEPLECHASE FENCE REPLACEMENT FROM THE SOUTHERN GROUP OF BOWLING GREEN, KENTUCKY IN THE AMOUNT OF \$43,738

Summary of Municipal Order No. 2008 - 214 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 stated that this was the contract for installation of the fence which was just discussed with the previous item. Mayor Walker asked for additional discussion, and with none, a roll call vote was taken.

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

Municipal Order No. 2008 - 214 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2008 - 215

MUNICIPAL ORDER AUTHORIZING SOFTWARE SUBSCRIPTION SERVICES FROM NEW WORLD SYSTEMS IN THE AMOUNT OF \$64,980 FOR FISCAL YEAR 2009

Summary of Municipal Order No. 2008 - 215 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 approval of the annual maintenance agreement. Mayor Walker asked for additional discussion, and with none, a roll call vote was taken.

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

Municipal Order No. 2008 - 215 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2008 – 216

MUNICIPAL ORDER APPROVING THE SUBMISSION OF THE FISCAL YEAR 2007/2008 SECTION EIGHT MANAGEMENT ASSESSMENT PROGRAM (SEMAP) CERTIFICATION FOR THE SECTION 8 HOUSING CHOICE VOUCHER PROGRAM

Summary of Municipal Order No. 2008 - 216 was read by the Assistant City Manager/City Clerk. Motion was made by Wilkerson and seconded by Denning for consideration of said Municipal Order. DeFebbo reviewed the requirement to seek recertification. Mayor Walker asked for additional discussion, and with none, a roll call vote was taken.

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

Municipal Order No. 2008 - 216 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2008 – 217

MUNICIPAL ORDER APPROVING REVISIONS TO THE ADMINISTRATIVE PLAN FOR THE HOMEOWNER REHABILITATION PROGRAM

Summary of Municipal Order No. 2008 - 217 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 recommended revisions to the Plan. Housing and Community Development Director Alice Burks responded to questions about compliance tracking and changes to be made to improve that process. Mayor Walker asked for additional discussion, and with none, a roll call vote was taken.

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

Municipal Order No. 2008 - 217 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2008 – 218

MUNICIPAL ORDER AUTHORIZING A SUBRECIPIENT AGREEMENT BETWEEN THE CITY OF BOWLING GREEN AND THE HOUSING FUND, INC. FOR A HOMEOWNERSHIP ASSISTANCE PROGRAM

Summary of Municipal Order No. 2008 - 218 was read by the Assistant City Manager/City Clerk. Motion was made by Wilkerson and seconded by Denning for consideration of said Municipal Order. DeFebbo reviewed the partnership to provide assistance to low-moderate income families with

purchasing a home. Housing and Community Development Director Alice Burks explained that financial assistance was currently being offered on a first come, first serve basis. Comm. Strow expressed concern with not having set criteria for participation in order to provide available funds to those with the greatest need.

Mayor Walker commented about pre- and post financial counseling services required for participants. She also remarked about recently passed Federal legislation which would provide assistance for new homebuyers.

Comm. Strow stated that he supported the program, but would vote no because he preferred having set criteria to determine participation. Once all discussion ended, a roll call vote was taken.

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

Municipal Order No. 2008 - 218 was approved by majority vote.

ORDINANCE NO. BG2008 - 46

(First Reading)

ORDINANCE AMENDING CODE OF ORDINANCES

ORDINANCE AMENDING CHAPTER 22 (TRAFFIC AND MOTOR VEHICLES) OF THE CITY OF BOWLING GREEN CODE OF ORDINANCES TO PROHIBIT SOLICITATION OF OCCUPANTS OF MOTOR VEHICLES ON PUBLIC RIGHT-OF-WAY

Title and summary of Ordinance No. BG2008 - 46 was read by the Assistant City Manager/City Clerk. Motion was made by Denning and seconded by Nash for first reading of said Ordinance. As presented at the August 5, 2008 work session, Comm. Nash once again reviewed his proposal to prevent individuals from soliciting donations on public streets. He narrated video footage that was shown which revealed the hazards to individual safety and flow of traffic. He asked that the Board pass this ordinance as it was originally proposed.

Comm. Wilkerson indicated that he understood and agreed with the purpose of the ordinance. However, he did not believe the penalty imposed should rise to the level of jail time. He made a motion, seconded by Strow, to amend Ordinance No. BG2008 - 46 to revise the penalty language and make it a violation and not a misdemeanor. Ms. Schaller confirmed that the amendment included changing the word misdemeanor to violation and imposing a fine of not more than \$250.00 for each offence instead of not less than \$150.00 nor more than \$500.00 and to eliminate language related to imprisonment. With no other discussion, a roll call vote was taken on the amendment.

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

Motion to amend Ordinance No. BG2008 - 46 was approved by majority vote.

Following additional discussion in support of the prohibition, a roll call vote was taken on first reading of the ordinance as amended.

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

First reading of Ordinance No. BG2008 - 46 as amended was approved by unanimous vote.

MUNICIPAL ORDER NO. 2008 - 219

MUNICIPAL ORDER APPROVING AN AGREEMENT WITH WARREN COUNTY RELATED TO THE SAFE ROUTES TO SCHOOL PROJECT

Summary of Municipal Order No. 2008 - 218 was read by the Assistant City Manager/City Clerk. Motion was made by Strow and seconded by Wilkerson for consideration of said Municipal Order. DeFebbo reviewed the agreement to assist the County with a sidewalk project near Dishman-McGinnis Elementary School. Mayor Walker asked for additional discussion, and with none, a roll call vote was taken.

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

Municipal Order No. 2008 - 219 was approved by unanimous vote.

CLOSED SESSION

Following a brief recess to clear the Commission Chamber, the Board of Commissioners met at approximately 8:35 p.m. in closed session pursuant to KRS 61.810 (c) as previously approved.

ADJOURNMENT

Once all discussion concluded in closed session and there being no further business to come before the Board of Commissioners, at approximately 9:20 p.m., Mayor Walker declared this meeting adjourned.

WORK SESSION

Prior to the regular meeting and with no action taken, the Board of Commissioners convened at 4:00 p.m. in the Commission Chamber of City Hall for a regular work session to discuss the following subjects: 1) three proposed revisions to the Code of Ethics; 2) the Government Accountability in Spending Program (GASP); 3) an agreement with the State regarding fence replacement for Steeplechase Subdivision; and 4) restrictions for parking on one or both sides of narrow streets.

ADOPTED: _____

APPROVED: _____
Mayor, Chairman of Board of Commissioners

ATTEST: _____
City Clerk