

**MINUTES of REGULAR MEETING
of the BOARD of COMMISSIONERS
of the CITY of BOWLING GREEN, KENTUCKY
held DECEMBER 15, 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 December 15, 2009. Mayor Elaine N. Walker called the meeting to order. An invocation was given by Rev. Shawn Sales of Living Springs 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 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

Operation P.R.I.D.E. Executive Director Ray Lackey announced the awards for improvements made to residential and non-residential property for the month of December. The residential award was presented to Nellie Woodcock for improvements made to her property located at 1502 Colledgeview Drive. The commercial award was presented to Western Kentucky Door and Specialties, LLC located at 210 East 3rd Avenue and was accepted by owners Adrian Augustus and David Brown. In addition, Mr. Lackey presented the first *Chairman's Award* to Lee Ann Austin for her initiative to plant 543 trees in Phil Moore Park. Ms. Austin encouraged everyone to plant trees. Finally, Mr. Lackey reported that the fencing was installed on Scottsville Road near the I-65 interchange with additional plantings to be completed in the spring.

City Manager Kevin DeFebbo announced that the Public Works Department was the recipient of two American Public Works Association (APWA) Project of the Year Awards. The Downtown Signal Project won in the Traffic Management category and the Standard Oil Station renovation/restoration won in the Historic Preservation category.

Mayor Walker also announced that the Parks and Recreation Department recently received an award for the Outstanding Tennis Facility from the U.S. Tennis Association of Kentucky (USTA) and SOKY Soccer Club received an award for the Hope Charity Tournament held at Kereiakes Park.

CITY MANAGER

City Manager Kevin D. DeFebbo requested the addition of a late-filed item (Municipal Order No. 2009 - 257) be placed at the end of the regular agenda for consideration. Motion was made by Denning and seconded by Nash to add Municipal Order No. 2009 - 257 to the agenda for consideration. Walker called for roll call vote.

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

Motion to add Municipal Order No. 2009 - 257 to the agenda was approved by unanimous vote.

APPROVAL OF MINUTES

Minutes of Regular Meeting December 1, 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 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: Wilkerson, Denning, Hamilton, Nash and Walker
 Voting Nay: None

Motion to approve the minutes of the regular meeting of December 1, 2009 was approved by unanimous vote.

PUBLIC COMMENTS

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

ORDINANCE NO. BG2009 – 32
(Second Reading)
ORDINANCE REZONING REAL ESTATE

ORDINANCE REZONING A TRACT OF LAND CONTAINING 3.54 ACRES FROM HI (HEAVY INDUSTRIAL) TO HB (HIGHWAY BUSINESS) LOCATED AT 401 EMMETT AVENUE, WITH BINDING ELEMENTS, PRESENTLY OWNED BY NEWMAN INDUSTRIAL HOLDINGS, LLC AND DAYMAR PROPERTIES OF BOWLING GREEN, LLC AS CONTRACT VENDEE

Title and summary of Ordinance No. BG2009 - 32 was read by the Assistant City Manager/City Clerk. Motion was made by Wilkerson and seconded by Nash for second reading of said Ordinance. Comm. Denning pointed out that Daymar Properties was the entity that owns Draughons Junior College. 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 - 32 was adopted by unanimous vote.

ORDINANCE NO. BG2009 – 35
(Second 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 2010

Title and summary of Ordinance No. BG2009 – 35 was read by the Assistant City Manager/City Clerk. Motion was made by Hamilton 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: Denning, Hamilton, Nash and Walker
 Voting Nay: Wilkerson

Ordinance No. BG2009 - 35 was adopted by majority vote.

ORDINANCE NO. BG2009 - 36
(Second Reading)
ORDINANCE REZONING REAL ESTATE

ORDINANCE REZONING A TRACT OF LAND CONTAINING 3.99 ACRES FROM AG (AGRICULTURE), RM-3 (MULTI-FAMILY RESIDENTIAL) AND HB (HIGHWAY BUSINESS) TO HB (HIGHWAY BUSINESS) LOCATED ON ORANGE COURT, WITH BINDING ELEMENTS, PRESENTLY OWNED BY SPICKARD REAL ESTATE HOLDINGS, LLC

Title and summary of Ordinance No. BG2009 - 36 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 - 36 was adopted by unanimous vote.

MUNICIPAL ORDER NO. 2009 - 243

MUNICIPAL ORDER APPROVING THE REAPPOINTMENTS OF JOHN PARKER AND DAN RUDLOFF, AND APPOINTMENT OF CATHYE GUMM TO THE CITY OF BOWLING GREEN BOARD OF ETHICS

Summary of Municipal Order No. 2009 - 243 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 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 - 243 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2009 - 244

MUNICIPAL ORDER APPROVING THE REAPPOINTMENT OF EDWARD T. MARTIN TO THE GREENWAYS COMMISSION OF BOWLING GREEN AND WARREN COUNTY

Summary of Municipal Order No. 2009 - 244 was read by the Assistant City Manager/City Clerk. Motion was made by Denning and seconded by Wilkerson for consideration of said 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 - 244 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2009 - 245

MUNICIPAL ORDER APPROVING THE REAPPOINTMENTS OF DON VITALE, ELAINE WALKER AND RICK WILSON TO SERVE ON THE INTER-MODAL TRANSPORTATION AUTHORITY, INC. (ITA) BOARD OF DIRECTORS AND AUTHORIZING THE SUBMISSION OF REAPPOINTMENTS TO THE WARREN COUNTY JUDGE EXECUTIVE

Summary of Municipal Order No. 2009 - 245 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 commented about the composition of the ITA Board to be made up of half City appointees and half County appointees. She 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 - 245 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2009 - 246

MUNICIPAL ORDER AUTHORIZING THE CONTINUATION OF AN AGREEMENT AS EMPLOYEE BENEFITS BROKER/AGENT WITH SHERRILL D. MORGAN & ASSOCIATES OF COVINGTON, KENTUCKY IN AN AMOUNT NOT TO EXCEED \$29,900 ANNUALLY

Summary of Municipal Order No. 2009 - 246 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 noted that this item and the next two (Municipal Order Nos. 2009 - 247 and 2009 - 248) were in the same family. He recommended the approval of the additional two year agreement for broker/agent services based on the savings achieved to date. Interim Human Resources Director Michael Grubbs provided an overview of all three items. He explained that with the assistance of Sherrill D. Morgan & Associates, the City was able to effectively reduce costs to its healthcare plan. 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 - 246 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2009 - 247

MUNICIPAL ORDER AUTHORIZING THE CONTINUATION OF AN AGREEMENT WITH HUMANA RELATING TO MANAGED HEALTH CARE AND CLAIMS ADMINISTRATION SERVICES FOR THE REMAINDER OF FISCAL YEAR 2010

Summary of Municipal Order No. 2009 - 247 was read by the Assistant City Manager/City Clerk. Motion was made by Denning and seconded by Nash for consideration of said Municipal Order. Mr. Grubbs previously explained that Humana had agreed to an additional six month extension at the same cost as the initial agreement. He stated that the City could then decide prior to July 2010 whether or not it wanted to rebid for TPA (third party administration) services or negotiate

a new agreement with Humana. 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 – 247 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2009 – 248

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

Summary of Municipal Order No. 2009 - 248 was read by the Assistant City Manager/City Clerk. Motion was made by Wilkerson and seconded by Nash for consideration of said Municipal Order. With discussion of Municipal Order No. 2009 – 246, Mr. Grubbs had outlined the changes being made to the Medical Benefit Plan as a result of new state and federal regulations and the desire to continue to offer a competitive Plan. He also explained that an additional OTC (over the counter) drug was recommended to include in the Plan to provide savings to the employee and City. 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 - 248 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2009 – 249

**MUNICIPAL ORDER AUTHORIZING AND ACCEPTING BID
#2010-16 FOR ENERGY EFFICIENCY AND CONSERVATION
BLOCK GRANT (EECBG) POLICE LED LIGHTING FROM CLEAN
LIGHT GREEN LIGHT OF MOUNT CLEMENS, MICHIGAN IN
THE AMOUNT OF \$89,279.24**

Summary of Municipal Order No. 2009 - 249 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 recommended the approval of this bid award as the first project to be accomplished with the use of EECBG funds. 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 - 249 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2009 – 250

**MUNICIPAL ORDER AUTHORIZING PAYMENTS TO AT&T,
BOWLING GREEN MUNICIPAL UTILITIES AND INSIGHT
COMMUNICATIONS FOR RELOCATION OF UTILITIES FOR THE
OLD MORGANTOWN ROAD PROJECT**

Summary of Municipal Order No. 2009 - 250 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 that the City proceed with utility relocation as the next step in the road rehabilitation project. He noted that Atmos Energy was not charging for its relocation of gas lines. However, he mentioned that he and the City Attorney would be looking closer at the agreement with AT&T since it was requiring prepayment for its relocation efforts. In addition, Mr. DeFebbo confirmed that waterline relocation would be included under the general construction contract. 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 - 250 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2009 - 251

MUNICIPAL ORDER APPROVING AND ACCEPTING REIMBURSEMENT OF TRAVEL EXPENSES FOR MAYOR ELAINE N. WALKER TO PARTICIPATE AS A PANELIST AT THE NATIONAL LEAGUE OF CITIES (NLC) AND BROOKINGS INSTITUTION / FISCAL CHALLENGES AND ECONOMIC RECOVERY SEMINAR IN WASHINGTON, D.C.

Summary of Municipal Order No. 2009 - 251 was read by the Assistant City Manager/City Clerk. Motion was made by Hamilton and seconded by Denning for consideration of said Municipal Order. Mayor Walker stated that the City was being reimbursed for the expenditures incurred and would not be out any money. She asked for additional discussion, and with none, a roll call vote was taken.

ROLL CALL: Voting Yea: Denning and Hamilton
 Voting Nay: Wilkerson and Nash
 Abstaining: Walker

Municipal Order No. 2009 - 251 was not approved for failure to achieve a majority vote.

Comm. Wilkerson explained that he voted against the travel because he was under the impression that the City was only participating in Kentucky League of Cities (KLC) and U.S. Conference of Mayors. Mayor Walker disagreed with that and indicated that those discussions during the budget planning related to membership and not to travel. Comm. Wilkerson suggested that if the Mayor wanted to travel to NLC events, then she should do that on her own and not through the City. Comm. Nash agreed that the City should not be involved with these expenses since he did not see it as a City function.

In a response to Mayor Walker's inquiry about how to proceed, City Attorney Gene Harmon said this was a difficult situation to resolve, but he would meet with staff to determine what needed to be done regarding the reimbursement. Comm. Denning remarked he did not understand why there was even a need to approve the reimbursement since it did not cost the City any money. Chief Financial Officer Jeff Meisel explained that, although the expenses were being reimbursed, since they were initially charged to the City and expended out of the Legislative budget it required approval by the Board of Commissioners. Comm. Denning commented that in order to avoid this situation in the

future and if another organization was paying for the expenses, then that organization should deal directly with the Mayor and leave the City out of it altogether.

MUNICIPAL ORDER NO. 2009 – 252

MUNICIPAL ORDER ACCEPTING THE CITY OF BOWLING GREEN, KENTUCKY COMPREHENSIVE ANNUAL FINANCIAL REPORT FOR THE PERIOD ENDING JUNE 30, 2009 AS PREPARED BY THE DEPARTMENT OF FINANCE AND AUDITED BY MOUNTJOY & BRESSLER, LLP

Summary of Municipal Order No. 2009 – 252 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 stated that the Audit Report was reviewed and recommended for approval by the City's Audit Committee. Audit Committee Chairman Harold Wills provided an update regarding the Committee's business during the past year. He also commended Internal Auditor Deborah Jenkins for her work. Mr. Wills reported that the City received a clean opinion on its financial statements and that the four internal control items mentioned in the management letter were addressed and resolved to the Committee's satisfaction. Mayor Walker thanked Mr. Wills and the Audit Committee for its services. She 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 - 252 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2009 – 253

MUNICIPAL ORDER APPROVING CONSTRUCTION AND ACCEPTING MAINTENANCE OF VARIOUS STREETS IN REVISION OF LOTS 1 AND 2 OF KENTUCKY AVENUE DEVELOPMENT AND LOT 3 OF HENDRICK PROPERTY

Summary of Municipal Order No. 2009 – 253 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 the requirement to accept the newly constructed public streets, sidewalk, curb and gutter under the City's maintenance responsibility once it met all specifications. 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 - 253 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2009 – 254

MUNICIPAL ORDER APPROVING CONSTRUCTION AND ACCEPTING MAINTENANCE OF VARIOUS STREETS IN PARK HILLS SUBDIVISION, SECTION 6, PHASE 2

Summary of Municipal Order No. 2009 - 254 was read by the Assistant City Manager/City Clerk. Motion was made by Wilkerson and seconded by Hamilton for consideration of said Municipal

Order. In response to a question from Comm. Wilkerson, Public Works Director Emmett Wood indicated that there was no evidence the drainage infrastructure was not performing as designed. 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 - 254 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2009 – 255

MUNICIPAL ORDER AUTHORIZING THE SUBMISSION OF A RENAISSANCE ON MAIN GRANT APPLICATION FOR THE DOWNTOWN REDEVELOPMENT AUTHORITY (DRA) IN THE AMOUNT OF \$20,000

Summary of Municipal Order No. 2009 – 255 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 request by DRA to apply for grant funds to place signage on the building at 601 State Street that denoted Circus Square. Downtown Redevelopment Authority Executive Director Cheryl Blaine described the proposed design and style of lettering to match the buildings historical heritage. She also mentioned that DRA had moved its offices into the building and were looking at leasing spaces for other uses. Ms. Blaine confirmed that if the grant funds were awarded, DRA would go out for bid to complete the project. 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 – 255 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2009 – 256

MUNICIPAL ORDER APPROVING AGREEMENT FOR CONSTRUCTION OF BIKEWAY TRAILS WITH WESTERN KENTUCKY UNIVERSITY (WKU)

Summary of Municipal Order No. 2009 - 256 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 recounted that WKU had approached the City back in the summer about partnering together to share in a \$950,000 grant to improve Center Street from Western’s campus to the Parks and Recreation Community Center. He indicated that this agreement provided the terms of that partnership and the City’s financial contribution of up to \$120,000 for half of the match required for the grant. 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 - 256 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2009 – 257

MUNICIPAL ORDER APPROVING AMENDMENTS TO FISCAL
YEAR 2010 SECTION 5307 CONTRACT AND AMERICAN
RECOVERY AND REINVESTMENT ACT GRANT AGREEMENT

Summary of Municipal Order No. 2009 - 257 was read by the Assistant City Manager/City Clerk. Motion was made by Wilkerson and seconded by Denning for consideration of said Municipal Order. Ms. Schaller reviewed the need to amend the transit funding agreements prior to the end of the calendar year in order for Community Action of Southern Kentucky to proceed with the purchase of the building at the corner of 11th Avenue and Center Street. She stated that the building would be used as a light maintenance facility for GO BG Transit. 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 - 257 was approved by unanimous vote.

WORK SESSION

Following the regular meeting agenda and with no action taken at approximately 7:50 p.m., the Board of Commissioners conducted a work session to discuss the following subjects: 1) the application process for Tax Increment Financing (TIF) projects in the WKU Gateway to Downtown Bowling Green Tax Increment Financing District; and 2) the reintroduction of a proposed Neighborhood Traffic Control Policy. During the discussion of the Traffic Control Policy, the majority of the Board of Commissioners indicated that they opposed the use of speed bumps, humps and tables as a means to deter speeding and recommended that other alternative traffic calming measures be investigated and considered.

BOARD OF COMMISSIONERS COMMENTS

Mayor Walker stated the next meeting of the Board was scheduled for January 5, 2010 and wished everyone a Merry Christmas and Happy New Year. She also welcomed newly hired *Daily News* reporter Andrew Thomason to the City.

ADJOURNMENT

Once all discussion concluded and there being no further business to come before the Board of Commissioners, at approximately 9:30 p.m., Mayor Walker declared this meeting adjourned.

ADOPTED: _____

APPROVED: _____
Mayor, Chairman of Board of Commissioners

ATTEST: _____
City Clerk

(Minutes-Board of Commissioners-December 15, 2009)

Minutes prepared by Assistant City Manager/City Clerk Katie Schaller