

**MINUTES of REGULAR MEETING
of the BOARD of COMMISSIONERS
of the CITY of BOWLING GREEN, KENTUCKY
held NOVEMBER 16, 2010**

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 16, 2010. Mayor Elaine N. Walker called the meeting to order. An invocation was given by Commissioner Bruce Wilkerson, 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 Catherine Hamilton, Commissioner Brian "Slim" Nash, Commissioner Bruce Wilkerson, Commissioner Joe W. Denning 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 presented P.R.I.D.E.'s December's commercial award to Southeastern Supplies for improvements at 1006 Adams Street, and announced the residential award was given to Doug and Michelle Gorman for their property at 1318 Broadview Way. Mr. Lackey also announced that a new Neighborhood Award was being presented for the first time to South Meade Estates for neighborhood improvements. The award was accepted by David McCrory, who expressed his appreciation for the recognition.

CITY MANAGER

City Manager Kevin D. DeFebbo had no comments at this time.

APPROVAL OF MINUTES

Minutes of Special Meeting November 3, 2010

Minutes of the above-referenced meeting were distributed to the Board of Commissioners with the Agenda for their review. Motion was made by Denning 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: Hamilton, Nash, Wilkerson, Denning and Walker
 Voting Nay: None

Motion to approve the minutes of the special meeting of November 3, 2010 was approved by unanimous vote.

PUBLIC COMMENTS

Freddie Arie, a resident of Bowling Green, expressed his frustration with the disparity of gasoline prices in Bowling Green compared to the surrounding areas. He provided copies of two recent newspaper commentaries which also reflected concerns about the higher prices. Mr. Arie asked the Board of Commissioners to consider an ordinance or other measure that could restrict gasoline prices and he volunteered his time to conduct any necessary research. Comm. Denning indicated he was not certain that the City had any statutory or legal authority on such matters. City Attorney Gene Harmon stated he would have to research legal standing before he could issue an

opinion. Mayor Walker also indicated she believed the City had limited abilities in this area; however, she agreed to send a letter to the Kentucky Attorney General's Office to request the issue be looked into further.

Jim Maroney of 103 Old Morgantown Road claimed the Police Department was picking and choosing who it would assist and requested that the Board of Commissioners investigate an alleged violation of civil rights from an incident which took place a few months ago where an individual was struck by a vehicle in a Bowling Green park at an organized event.

ORDINANCE NO. BG2010 - 36
(Second Reading)

ORDINANCE PROVIDING FOR THE ISSUANCE OF GENERAL OBLIGATION BONDS

AN ORDINANCE OF THE CITY OF BOWLING GREEN, KENTUCKY AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION AND SPECIAL REVENUE REFUNDING BONDS, SERIES 2010 IN THE AGGREGATE PRINCIPAL AMOUNT OF \$28,135,000 (SUBJECT TO A PERMITTED ADJUSTMENT INCREASING OR DECREASING THE SIZE OF SAID BONDS BY UP TO \$1,000,000) AND GENERAL OBLIGATION AND SPECIAL REVENUE REFUNDING BONDS, SERIES 2011 IN THE AGGREGATE PRINCIPAL AMOUNT OF \$1,815,000 (SUBJECT TO A PERMITTED ADJUSTMENT INCREASING OR DECREASING THE SIZE OF SAID BONDS BY UP TO \$180,000), EACH FOR THE PURPOSE OF REFUNDING ALL OR A PORTION OF THE CITY'S OUTSTANDING GENERAL OBLIGATION AND SPECIAL REVENUE BONDS, SERIES 2002B AND GENERAL OBLIGATION AND SPECIAL REVENUE BONDS, SERIES 2002C; APPROVING FORMS OF BONDS; AUTHORIZING DESIGNATED OFFICERS TO EXECUTE AND DELIVER THE BONDS; AUTHORIZING AND DIRECTING THE FILING OF NOTICE WITH THE STATE LOCAL DEBT OFFICER; PROVIDING FOR THE PAYMENT AND SECURITY OF THE BONDS; CREATING A BOND PAYMENT FUND OR FUNDS; AUTHORIZING ACCEPTANCE OF THE BID OF THE BOND PURCHASER FOR THE PURCHASE OF THE BONDS FOLLOWING THE ADVERTISED SALE OF THE BONDS; AND REPEALING INCONSISTENT ORDINANCES

Title and summary of Ordinance No. BG2010 - 36 was read by the Assistant City Manager/City Clerk. Motion was made by Hamilton and seconded by Nash for second reading of said Ordinance. Comm. Denning affirmed that this action of refinancing had nothing to do with the Tax Increment Financing (TIF) project in Block 12 of the TIF District which was discussed during the earlier work session. Mayor Walker asked for additional discussion, and with none, a roll call vote was taken.

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

Ordinance No. BG2010 - 36 was adopted by unanimous vote.

MUNICIPAL ORDER NO. 2010 – 240

MUNICIPAL ORDER APPROVING THE REAPPOINTMENTS OF STEVE SPEAKMAN AND DAVID SOWDERS AND THE APPOINTMENT OF JACK LANCASTER TO THE CONTRACTORS LICENSING BOARD

Summary of Municipal Order No. 2010 - 240 was read by the Assistant City Manager/City Clerk. Motion was made by Hamilton and seconded by Wilkerson for consideration of said Municipal Order. Mayor Walker asked for discussion, and with none, a roll call vote was taken.

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

Municipal Order No. 2010 - 240 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2010 – 241

MUNICIPAL ORDER APPROVING THE APPOINTMENTS OF JOSEPH R. WEBB AND AMELIA BOWEN TO THE BOWLING GREEN-WARREN COUNTY MOBILE RADIO COMMUNICATIONS COMMITTEE

Summary of Municipal Order No. 2010 - 241 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 discussion, and with none, a roll call vote was taken.

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

Municipal Order No. 2010 - 241 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2010 – 242

MUNICIPAL ORDER AUTHORIZING AND ACCEPTING BID #2011-09 FOR SLOAN CONVENTION CENTER CARPET REPLACEMENT PROJECT FROM HOWARD-CARPENTER FLOOR COVERING, INC. OF DANVILLE, KENTUCKY IN THE AMOUNT OF \$154,289.47

Summary of Municipal Order No. 2010 - 242 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 reviewed the bidding process and recommended the bid award which would replace six year old carpet in the majority of the Convention Center. Mayor Walker asked for additional discussion, and with none, a roll call vote was taken.

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

Municipal Order No. 2010 - 242 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2010 – 243

MUNICIPAL ORDER AUTHORIZING AND ACCEPTING BID #2011-16 FOR BOWLING GREEN POLICE DEPARTMENT FIRING RANGE IMPROVEMENTS FROM SCOTT & RITTER, INC. OF BOWLING GREEN, KENTUCKY IN THE AMOUNT OF \$143,805.80

Summary of Municipal Order No. 2010 - 243 was read by the Assistant City Manager/City Clerk. Motion was made by Hamilton and seconded by Nash for consideration of said Municipal Order. DeFebbo reviewed and recommended the bid award to make needed improvements to the facility which was used by other agencies as well as the City. Mayor Walker asked for additional discussion, and with none, a roll call vote was taken.

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

Municipal Order No. 2010 - 243 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2010 – 244

MUNICIPAL ORDER AUTHORIZING AND ACCEPTING NEGOTIATIONS AFTER SEALED BIDDING FOR BID #2011-11 FOR THE PURCHASE OF AMERICAN POWER CONVERSION HARDWARE FROM CDW GOVERNMENT LLC OF VERNON HILLS, ILLINOIS IN THE AMOUNT OF \$36,800

Summary of Municipal Order No. 2010 – 244 was read by the Assistant City Manager/City Clerk. Motion was made by Hamilton and seconded by Nash for consideration of said Municipal Order. DeFebbo reviewed and recommended the bid award for the purchase of a backup power source for the Communications Center. Mayor Walker asked for additional discussion, and with none, a roll call vote was taken.

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

Municipal Order No. 2010 - 244 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2010 – 245

MUNICIPAL ORDER AUTHORIZING THE ACCEPTANCE OF A GRANT FROM THE KENTUCKY OFFICE OF HOMELAND SECURITY FOR THE 2010 HOMELAND SECURITY GRANT PROGRAM IN THE AMOUNT OF \$105,900 FOR MOBILE RADIOS FOR THE POLICE DEPARTMENT

Summary of Municipal Order No. 2010 - 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. DeFebbo indicated that the City was awarded a portion of the grant funding originally requested and the funds would be used to purchase digital radios. Mayor Walker asked for additional discussion, and with none, a roll call vote was taken.

ROLL CALL: Voting Yea: Hamilton, Nash, Wilkerson, Denning and Walker
Voting Nay: None
Municipal Order No. 2010 - 245 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2010 – 246

MUNICIPAL ORDER APPROVING AMENDMENT TO TRAFFIC
FEATURE MAP RELATED TO THE DESIGNATION OF A
HANDICAPPED PARKING SPACE, INCLUDING INSTALLATION
OF A HANDICAP PARKING SIGN LOCATED AT 700 E. 11TH
AVENUE

Summary of Municipal Order No. 2010 - 246 was read by the Assistant City Manager/City Clerk. Motion was made by Wilkerson and seconded by Nash for consideration of said Municipal Order. Civil Engineer Mark Absher described the location and specific request for parking designation. Mayor Walker clarified that no ADA requirements had to be met. Mr. Absher confirmed and he responded that the designation would remain in place for as long as the need existed. Mayor Walker asked for additional discussion, and with none, a roll call vote was taken.

ROLL CALL: Voting Yea: Hamilton, Nash, Wilkerson, Denning and Walker
Voting Nay: None
Municipal Order No. 2010 – 246 was approved by unanimous vote.

ORDINANCE NO. BG2010 – 37

(First Reading)

ORDINANCE AMENDING CODE OF ORDINANCES

ORDINANCE AMENDING CHAPTERS 19 (POLICE) AND 22
(TRAFFIC AND MOTOR VEHICLES) OF THE CITY OF BOWLING
GREEN CODE OF ORDINANCES TO AMEND LANGUAGE
RELATED TO OFF-DUTY EMPLOYMENT AND PAYMENT OF
POLICE SERVICES FOR SPECIAL EVENTS

Title and summary of Ordinance No. BG2010 - 37 was read by the Assistant City Manager/City Clerk. Motion was made by Denning and seconded by Hamilton for first reading of said Ordinance. DeFebbo reported that a number of months ago Internal Auditor Deborah Jenkins made a recommendation to amend the City's policies regarding off-duty employment of Police Officers. He also reiterated that this issue was discussed at previous work sessions and a recommendation had been developed to amend existing policies for the Board's consideration.

In response to an inquiry from Comm. Denning, Police Chief Doug Hawkins and City Attorney Gene Harmon confirmed that the language in the proposed changes would apply to all officers regardless of whether they were in plain clothes or uniform as long as they were acting in the capacity of a City Police Officer. Mr. Harmon also detailed that this ordinance did not impact any off-duty employment opportunities where a police officer might work for a private security firm which provided its own uniforms and equipment. Mayor Walker asked for additional discussion, and with none, a roll call vote was taken.

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

First reading of Ordinance No. BG2010 - 37 was approved by unanimous vote. Mayor Walker thanked the City Manager and staff for all of the time involved with addressing this issue. Mr. DeFebbo thanked Ms. Jenkins for bringing the issue to his attention.

MUNICIPAL ORDER NO. 2010 - 247

MUNICIPAL ORDER APPROVING AMENDMENT TO THE JOB
DEVELOPMENT INCENTIVE FUND EMPLOYEE
WITHHOLDINGS CREDIT AGREEMENT WITH BENDIX SPICER
FOUNDATION BRAKE, LLC

Summary of Municipal Order No. 2010 - 247 was read by the Assistant City Manager/City Clerk. Motion was made by Hamilton and seconded by Nash for consideration of said Municipal Order. DeFebbo reviewed the agreement which was originally approved in 2007 and reported that the company had not requested its incentive payments until now. He further explained that after discussions with the Job Development Incentive Program Committee, a recommendation was made to amend the agreement to establish a new five year period beginning in October 2010.

Comm. Wilkerson provided an explanation of how the incentive program worked for the public's understanding. Chief Financial Officer Jeff Meisel stated that this company created 184 new jobs in Bowling Green since 2007. Mayor Walker asked for additional discussion, and with none, a roll call vote was taken.

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

Municipal Order No. 2010 - 247 was approved by unanimous vote.

BOARD OF COMMISSIONERS ANNOUNCEMENTS

Comm. Nash announced that First Christian Church and State Street United Methodist Church would be providing meals for dine-in or carryout between 11:00 a.m. and 12:30 p.m. at First Christian Church on Thanksgiving Day.

Mayor Walker recognized Commissioner-Elect Bill Waltrip who was in attendance at the meeting.

ADJOURNMENT

There being no further business to come before the Board of Commissioners, at approximately 7:35 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) a quarterly report regarding downtown TIF activities presented by the Warren County Downtown Economic Development Authority, including proposed revisions to various

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documents such as the Local Participation Agreement, Master Developer Agreement and Revenue Sharing Agreement; 2) the renewal of the L&N Depot Management Agreement with The Friends of L&N Depot; and 3) a presentation of an aerial photography and mapping solution by Pictometry for the Police Department Communications Center.

ADOPTED: _____

APPROVED: _____
Mayor, Chairman of Board of Commissioners

ATTEST: _____
City Clerk

Minutes prepared by Assistant City Manager/City Clerk Katie Schaller