

**MINUTES of REGULAR MEETING  
of the BOARD of COMMISSIONERS  
of the CITY of BOWLING GREEN, KENTUCKY  
held DECEMBER 21, 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 December 21, 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 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 presented P.R.I.D.E.'s January's residential award to Lynn and Julie Olson for improvements made to their property located at 933 Covington Avenue. BGMU Water/Wastewater Systems Manager Mike Gardner and Landmark Association representative Jason Hildabrand accepted the commercial award for improvements made to the Pump House located at 700 E Main Avenue. Mr. Lackey also announced that Bent Tree Homeowners Association was the recipient of this month's Neighborhood P.R.I.D.E. Award for the installation of solar lighting at the entrances of the neighborhood. Sheri Strode accepted the award on behalf of the Homeowners Association. Neighborhood Action Coordinator Karen Foley also remarked about the initiative taken by the Bent Tree neighbors who volunteered their time and money for the completion of this improvement project.

In addition, Mr. Lackey thanked Commissioner Hamilton for her service the past two years on the Operation P.R.I.D.E. Board of Directors. He also reported that more trees would be planted along Louisville Road and Spur Road as part of the improvements being made to this entrance corridor into Bowling Green.

**CITY MANAGER**

City Manager Kevin D. DeFebbo requested a closed session for the purpose of discussion about 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 by the City, for proposed and pending litigation against the City, and for discussion which might lead to the discipline or dismissal of an individual employee without restricting that employee's right to a public hearing if requested. Motion was made by Hamilton and seconded by Wilkerson to convene in closed session following the regular meeting pursuant to KRS 61.810 (1) (b), (c) and (f). Walker called for roll call vote.

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

Motion to convene in closed session pursuant to KRS 61.810 (1) (b), (c) and (f) was approved by unanimous vote. Mr. DeFebbo stated there was no action anticipated to follow the discussions.

## APPROVAL OF MINUTES

### Minutes of Regular Meeting December 7, 2010

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, Hamilton, Nash and Walker  
                          Voting Nay: None

Motion to approve the minutes of the regular meeting of December 7, 2010 was approved by unanimous vote.

## PUBLIC COMMENTS

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

## SPECIAL RECOGNITION

As this was the last meeting of the year, Mayor Walker gave special thanks to Commissioner Hamilton for her service on the Board of Commissioners for the past two years. Commissioner Hamilton remarked that she had enjoyed her time working together, disagreeing together and sharing the City's hopes and dreams together. She stated that she would truly miss working with everyone on a daily basis; however, she indicated that she would not be going far since she will remain actively involved and serve on other community boards.

## CHANGE ORDER OF AGENDA

With no objection, the order of the agenda was changed to consider item number 12 (Municipal Order No. 2010 – 266) at this time.

### MUNICIPAL ORDER NO. 2010 – 266

MUNICIPAL ORDER AUTHORIZING THE ACCEPTANCE OF A GRANT FROM THE KENTUCKY OFFICE OF HOMELAND SECURITY FOR THE 2009 ASSISTANCE TO FIREFIGHTERS GRANT PROGRAM IN THE AMOUNT OF \$62,040 FOR A WELLNESS PROGRAM, AND FURTHER AUTHORIZING APPROVAL OF EXPENDITURES UP TO \$25,000 USING THE CITY'S EMPLOYEE MEDICAL SERVICES PROVIDER, PARK STREET PARTNERS D/B/A URGENT CARE AND CORP CARE

Summary of Municipal Order No. 2010 - 266 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 grant received and its intended use to provide higher level stress testing for fire personnel. 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. 2010 - 266 was approved by unanimous vote.

RESUME REGULAR AGENDA

ORDINANCE NO. BG2010 - 38

(Second Reading)

ORDINANCE GRANTING FRANCHISE RELATED TO TELECOMMUNICATIONS SYSTEM

ORDINANCE GRANTING A NON-EXCLUSIVE TELECOMMUNICATIONS FRANCHISE TO BLUEGRASS NETWORK, LLC FOR THE USE OF RIGHTS-OF-WAY FOR THE INSTALLATION OF A TELECOMMUNICATIONS SYSTEM WITHIN THE CITY OF BOWLING GREEN AND WARREN COUNTY, KENTUCKY

Title and summary of Ordinance No. BG2010 - 38 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, Hamilton, Nash and Walker  
Voting Nay: None

Ordinance No. BG2010 - 38 was adopted by unanimous vote.

ORDINANCE NO. BG2010 - 39

(Second Reading)

ORDINANCE AMENDING CODE OF ORDINANCES

ORDINANCE AMENDING CHAPTER 22 (TRAFFIC AND MOTOR VEHICLES) OF THE CITY OF BOWLING GREEN CODE OF ORDINANCES TO AMEND LANGUAGE RELATED TO PARKING ENFORCEMENT

Title and summary of Ordinance No. BG2010 - 39 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, Hamilton, Nash and Walker  
Voting Nay: None

Ordinance No. BG2010 - 39 was adopted by unanimous vote.

ORDINANCE NO. BG2010 - 40

(Second Reading)

ORDINANCE REZONING REAL ESTATE

ORDINANCE REZONING A TRACT OF LAND CONTAINING 2.473 ACRES FROM HB (HIGHWAY BUSINESS) AND AG (AGRICULTURE) TO RM-4 (MULTI-FAMILY RESIDENTIAL) LOCATED AT 269 OLD PORTER PIKE PRESENTLY OWNED BY WILLIAM L. JR. AND KIM FERGUSON

Title and summary of Ordinance No. BG2010 - 40 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. BG2010 - 40 was adopted by unanimous vote.

ORDINANCE NO. BG2010 - 41  
(Second Reading)

ORDINANCE APPROVING AMENDED AND RESTATED AGREEMENT ON THE SHARING  
OF REVENUES

ORDINANCE APPROVING AMENDED AND RESTATED  
AGREEMENT ON THE SHARING OF REVENUES RELATED TO  
THE ESTABLISHMENT, FINANCING AND IMPLEMENTATION  
OF A DEVELOPMENT AREA TAX INCREMENT FINANCING  
(TIF) DISTRICT KNOWN AS THE WKU GATEWAY TO  
DOWNTOWN BOWLING GREEN

Title and summary of Ordinance No. BG2010 - 41 was read by the Assistant City Manager/City Clerk. Motion was made by Hamilton and seconded by Nash for second reading of said Ordinance. DeFebbo specified that minor changes were made to the Revenue Sharing Agreement following first reading of the ordinance. City Attorney Gene Harmon opined that the changes made were not substantive and did not impact the City in any way. He reported that the changes included an Exhibit B that clarified Medical Center TIF Revenues. In response to a question from Comm. Denning, Mr. Harmon further reported that a portion of the pledged revenues generated from the expanded TIF District which included Graves Gilbert Clinic and The Medical Center would be dedicated to specific projects. Mr. DeFebbo described how the distribution of funding within the TIF District would be divided. Mayor Walker asked for additional discussion, and with none, a roll call vote was taken.

ROLL CALL: Voting Yea: Wilkerson, Hamilton, Nash and Walker  
Voting Nay: Denning  
Ordinance No. BG2010 - 41 was adopted by majority vote.

MUNICIPAL ORDER NO. 2010 - 260

MUNICIPAL ORDER APPROVING THE REAPPOINTMENT OF  
BARBARA K. JOHNSTON TO THE OPERATION P.R.I.D.E.  
BOARD OF DIRECTORS

Summary of Municipal Order No. 2010 - 260 was read by the Assistant City Manager/City Clerk. Motion was made by Hamilton and seconded by Nash for consideration of said Municipal Order. Mayor Walker commented about Ms. Johnston's service and recommended her reappointment. 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. 2010 - 260 was approved by unanimous vote.

ORDINANCE NO. BG2010 - 42  
(First Reading)

ORDINANCE APPROVING APPOINTMENT TO CITY BOARD

ORDINANCE APPROVING THE REAPPOINTMENT OF  
COMMISSIONER BRIAN "SLIM" NASH TO THE BOWLING  
GREEN MUNICIPAL UTILITIES BOARD

Title and summary of Ordinance No. BG2010 - 42 was read by the Assistant City Manager/City Clerk. Motion was made by Hamilton and seconded by Denning for first reading of said Ordinance. Mayor Walker explained that this item was being considered prior to the start of the City Commissioners' new terms in office because the appointment required two readings. 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

First reading of Ordinance No. BG2010 - 42 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2010 - 261

MUNICIPAL ORDER APPROVING THE REAPPOINTMENTS OF  
AMY CAPPICIE AND WALTER HAWKINS TO THE CITY OF  
BOWLING GREEN BOARD OF ETHICS

Summary of Municipal Order No. 2010 - 261 was read by the Assistant City Manager/City Clerk. Motion was made by Wilkerson and seconded by Nash for consideration of said Municipal Order. 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

Municipal Order No. 2010 - 261 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2010 - 262

MUNICIPAL ORDER APPROVING THE REAPPOINTMENT OF  
JEFFREY STEIN TO THE GREENWAYS COMMISSION OF  
BOWLING GREEN AND WARREN COUNTY

Summary of Municipal Order No. 2010 - 262 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:   Wilkerson, Denning, Hamilton, Nash and Walker  
                          Voting Nay:   None

Municipal Order No. 2010 - 262 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2010 - 263

MUNICIPAL ORDER APPROVING THE REAPPOINTMENT OF  
MATTHEW A. DILLINGER TO THE ADMINISTRATIVE APPEALS  
BOARD

Summary of Municipal Order No. 2010 - 263 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:   Wilkerson, Denning, Hamilton, Nash and Walker  
                          Voting Nay:   None  
Municipal Order No. 2010 - 263 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2010 – 264

MUNICIPAL ORDER APPROVING THE PROBATIONARY APPOINTMENT OF JUSTIN K. ATWELL TO THE POSITION OF LANDSCAPE GARDENER IN THE PARKS AND RECREATION DEPARTMENT

Summary of Municipal Order No. 2010 - 264 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 reported that a recent resignation created a vacant position. He reviewed the application process and the qualifications of the recommended applicant, who was currently employed in a part-time position in the Landscape Division. 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. 2010 - 264 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2010 – 265

MUNICIPAL ORDER APPROVING THE PROBATIONARY APPOINTMENT OF JENNIFER R. NASH TO THE POSITION OF GRANTS ASSOCIATE IN THE POLICE DEPARTMENT

Summary of Municipal Order No. 2010 - 265 was read by the Assistant City Manager/City Clerk. Motion was made by Denning and seconded by Hamilton for consideration of said Municipal Order. DeFebbo noted that a previous resignation and transfer of another employee provided an opening for which he recommended this appointment. 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. 2010 - 265 was approved by unanimous vote.

Note: Municipal Order No. 2010 – 266 was considered at the beginning of the regular agenda.

MUNICIPAL ORDER NO. 2010 – 267

MUNICIPAL ORDER AMENDING MUNICIPAL ORDER NO. 2010-254 TO REFLECT THE CORRECT VENDOR NAME FOR BID #2011-12 FOR POLICE DEPARTMENT AMMUNITION, SPECIFIC TO THE HORNADY 223 BRAND AMMUNITION, TO GT DISTRIBUTORS, INC. OF ROSSVILLE, GEORGIA, WHICH PREVIOUSLY INDICATED GULF STATES DISTRIBUTORS, INC. OF MONTGOMERY, ALABAMA

Summary of Municipal Order No. 2010 - 267 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 remarked that this item was correcting an error made on the previously approved Municipal Order. He also responded to questions from Comm. Denning about the type and use of ammunition referenced. 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. 2010 - 267 was approved by unanimous vote.

**MUNICIPAL ORDER NO. 2010 – 268**

**MUNICIPAL ORDER AUTHORIZING AND ACCEPTING BID #2011-17 FOR PC DESKTOP AND COMPUTER EQUIPMENT REPLACEMENT PROJECT FROM POMEROY OF HEBRON, KENTUCKY AND SOFTCHOICE OF CHICAGO, ILLINOIS IN THE TOTAL AMOUNT OF \$266,710.70**

Summary of Municipal Order No. 2010 - 268 was read by the Assistant City Manager/City Clerk. Motion was made by Nash and seconded by Denning for consideration of said Municipal Order. DeFebbo reviewed and recommended the purchase to replace approximately 285 computers (PCs) and software upgrades which was done on a periodic basis. 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. 2010 - 268 was approved by unanimous vote.

**MUNICIPAL ORDER NO. 2010 – 269**

**MUNICIPAL ORDER AUTHORIZING AND ACCEPTING BID #2011-14 FOR POLICE UNIFORMS FROM BLUEGRASS UNIFORMS OF BOWLING GREEN, KENTUCKY AND FURTHER AUTHORIZING NEGOTIATIONS AFTER SEALED BIDDING WITH NAT'S OUTDOOR SPORTS OF BOWLING GREEN, KENTUCKY SPECIFIC TO THE ATHLETIC SHOES CATEGORY AT A TOTAL UNIT COST OF \$13,002.24**

Summary of Municipal Order No. 2010 - 269 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 and recommended the purchase of uniforms and athletic wear for Police Officers. Comm. Denning remarked that he would continue to support the City doing business with this minority-owned company and that he thought they did an outstanding job. 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. 2010 - 269 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2010 – 270

MUNICIPAL ORDER AUTHORIZING THE ACCEPTANCE OF 2011 GRANT FUNDS FROM THE APPALACHIA HIGH INTENSITY DRUG TRAFFICKING AREA (HIDTA) THROUGH THE OFFICE OF NATIONAL DRUG CONTROL POLICY IN THE AMOUNT OF \$30,000

Summary of Municipal Order No. 2010 - 270 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 City actively participated in the local Drug Task Force and these federal funds would assist with overtime costs for two Police Officers. 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. 2010 - 270 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2010 – 271

MUNICIPAL ORDER ACCEPTING THE CITY OF BOWLING GREEN, KENTUCKY COMPREHENSIVE ANNUAL FINANCIAL REPORT FOR THE PERIOD ENDING JUNE 30, 2010 AS PREPARED BY THE DEPARTMENT OF FINANCE AND AUDITED BY MOUNTJOY CHILTON MEDLEY, LLP

Summary of Municipal Order No. 2010 - 271 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 had been reviewed and approved by the City's Audit Committee, which provided independent eyes on the process. Audit Committee Chairperson Jean Cherry reported about the activities of the Audit Committee and actions taken. She indicated that the external auditors issued a clean or unqualified report and the Committee unanimously recommended its acceptance by the Board of Commissioners. Ms. Cherry also responded to questions about whether or not there were any areas of concern or areas to be improved upon, and she noted that she thought the work of the external auditors and City staff was very thorough and complete.

Comm. Wilkerson thanked the members of the Audit Committee for their time and service. Since Ms. Cherry was the Executive Vice President and CIO of Commonwealth Health Corporation (CHC), Comm. Wilkerson also took this opportunity to congratulate CHC and The Medical Center for the ribbon cutting held earlier in the day officially opening the Hospitality House located on High Street.

Chief Financial Officer Jeff Meisel pointed out that the auditor's opinion letter would be included in the final bound copy of the report. He extended his appreciation to the Finance Department staff and other departmental staff for all the hard work spent throughout the year preparing the proper financial records. He also mentioned that the Fiscal Year 2010 Comprehensive Annual Financial Report (CAFR) would be submitted for annual consideration for a Certificate of Achievement for Excellence in Financial Reporting awarded by Government Finance Officers Association (GFOA) of the United States and Canada.



Mayor Walker expressed her appreciation for the City Manager's leadership and creation of the Internal Auditor's position as well as the Audit Committee. She also thanked the members of the Audit Committee and praised the Finance Department for the staff's dedication and hard work. With no further discussion, a roll call vote was taken.

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

Municipal Order No. 2010 - 271 was approved by unanimous vote.

**BOARD OF COMMISSIONERS COMMENTS**

Comm. Denning thanked Comm. Hamilton for her service on the Board and stated she had done a good job. He also said he considered Ms. Hamilton to be a friend and that he would miss her.

Mayor Walker acknowledged that she was contacted by the local Postmaster regarding the ability to appear before the Board of Commissioners at its next work session on January 4, 2011 to address the public about the mailbox issue on Magnolia and Nutwood streets. Comm. Denning stated he looked forward to hearing directly from the Postmaster.

As the open portion of the meeting came to a close, Mayor Walker wished everyone a Merry Christmas and Happy New Year. She also announced that Bill Waltrip would start his term as City Commissioner in January.

**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), (c) and (f) as previously approved. Mr. DeFebbo requested that Commissioner-Elect Bill Waltrip attend the closed session.

**ADJOURNMENT**

Once all discussion concluded in closed session and there being no further business to come before the Board of Commissioners, at approximately 8:30 p.m., Mayor Walker declared this meeting adjourned.

ADOPTED: \_\_\_\_\_

APPROVED: \_\_\_\_\_  
                  Mayor, Chairman of Board of Commissioners

ATTEST: \_\_\_\_\_  
                  City Clerk