

**MINUTES of REGULAR MEETING  
of the BOARD of COMMISSIONERS  
of the CITY of BOWLING GREEN, KENTUCKY  
held DECEMBER 20, 2011**

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 20, 2011. Mayor Bruce Wilkerson called the meeting to order. An invocation was given by Hope House Ministries Director Brian Lewis, 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 Joe W. Denning, Commissioner Melinda M. Hill, Commissioner Bill Waltrip and Mayor Bruce Wilkerson. Absent: Commissioner Brian "Slim" Nash. There was a quorum of the Board of Commissioners.

**AWARDS & RECOGNITIONS**

Mayor Wilkerson and Warren County Judge Executive Michael Buchanon proclaimed 2011 as *The Season of Bowling Green Purples Football* and acknowledged the outstanding accomplishments the Bowling Green High School football team achieved during the year. Each encouraged everyone to congratulate all the members of the team and coaching staff. Coach Kevin Wallace expressed his appreciation for the honor and remarked about the efforts of the coaching staff, parents, administration, players and the community support. Mayor Wilkerson extended Comm. Nash's regrets for not being able to be in attendance to help celebrate. Comm. Denning commented about attending the ball games and congratulated the team.

Operation P.R.I.D.E. Executive Director Ray Lackey reported that he had ordered a sign to recognize the Purples' to be placed in Champions Triangle, located at the corner of Kentucky Street and Sixth Avenue and Seventh Avenue. He presented P.R.I.D.E.'s monthly residential award to Genardo Sierra and Carmen Manzo for improvements made to their property located at 307 Cherry Way. The commercial award was given to Vino's Restaurant located at 1475 Kentucky Street, which was accepted by Blake Levcht and Teresa Hilliard. Mr. Lackey also recognized former Mayor Joe Denning for his service on the Operation P.R.I.D.E. Board of Directors from April to November 2011 and presented him with a plaque.

Mayor Wilkerson mentioned that employee services awards, for service of five years up to forty years, were handed out on Friday, December 16<sup>th</sup>. He extended his appreciation for all the hard work and dedication of the City's employees.

**CITY MANAGER**

City Manager Kevin D. DeFebbo requested a closed session for the purpose of discussion about the sale of real property by the City as publicity would likely affect the value of the specific piece or pieces of property to be sold; for discussion of proposed litigation on behalf of the City and pending litigation against the City; and for discussion between the City and a representative of business entities and for discussion concerning a specific proposal, as open discussions would jeopardize the siting, retention, expansion or upgrading of the business. Motion was made by Waltrip and seconded

by Hill to convene in closed session following the regular meeting pursuant to KRS 61.810 (1) (b), (c) and (g). Mayor Wilkerson called for roll call vote.

ROLL CALL: Voting Yea: Denning, Hill, Waltrip and Wilkerson  
Voting Nay: None

Motion to convene in closed session pursuant to KRS 61.810 (1) (b), (c) and (g) was approved by unanimous vote.

Mr. DeFebbo also requested the addition of a late-filed item to the agenda regarding a Letter Agreement from the Kentucky State Historic Preservation Office. Motion was made by Waltrip and seconded by Hill to add Municipal Order No. 2011 - 241 to the agenda for consideration at the end of the regular agenda. Mayor Wilkerson called for roll call vote.

ROLL CALL: Voting Yea: Denning, Hill, Waltrip and Wilkerson  
Voting Nay: None

Motion to add Municipal Order No. 2011 - 241 to the agenda was approved by unanimous vote.

### APPROVAL OF MINUTES

#### Minutes of Regular Meeting December 6, 2011

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

ROLL CALL: Voting Yea: Denning, Hill, Waltrip and Wilkerson  
Voting Nay: None

Motion to approve the minutes of the regular meeting of December 6, 2011 was approved by unanimous vote.

### PUBLIC COMMENTS

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

### REGULAR AGENDA

#### ORDINANCE NO. BG2011 - 49

(Second Reading)

#### ORDINANCE CLOSING A PUBLIC RIGHT-OF-WAY

#### ORDINANCE APPROVING THE CLOSING OF A PORTION OF TWO ALLEYS BOUNDED BY 11<sup>TH</sup> AVENUE, BROADWAY AVENUE, HIGH STREET AND KENTON STREET

Title and summary of Ordinance No. BG2011 - 49 was read by the Assistant City Manager/City Clerk. Motion was made by Waltrip and seconded by Denning for second reading of said Ordinance. Mayor Wilkerson asked for discussion, and with none, a roll call vote was taken.

ROLL CALL: Voting Yea: Denning, Hill, Waltrip and Wilkerson  
Voting Nay: None

Ordinance No. BG2011 - 49 was adopted by unanimous vote.

ORDINANCE NO. BG2011 - 50  
(Second Reading)  
ORDINANCE AMENDING CODE OF ORDINANCES

ORDINANCE AMENDING CHAPTER 25 (CODE OF ETHICS) OF  
THE CITY OF BOWLING GREEN CODE OF ORDINANCES TO  
AMEND THE SUBCHAPTER DEALING WITH STANDARDS OF  
CONDUCT AND TO MAKE RELATED AMENDMENTS

Title and summary of Ordinance No. BG2011 - 50 was read by the Assistant City Manager/City Clerk. Motion was made by Waltrip and seconded by Hill for second reading of said Ordinance. Mayor Wilkerson asked for discussion, and with none, a roll call vote was taken.

ROLL CALL:       Voting Yea: Denning, Hill, Waltrip and Wilkerson  
                  Voting Nay: None

Ordinance No. BG2011 - 50 was adopted by unanimous vote.

ORDINANCE NO. BG2011 - 51  
(Second Reading)  
ORDINANCE AMENDING CODE OF ORDINANCES

ORDINANCE AMENDING CHAPTER 15 (BUSINESS AND  
GENERAL REGULATIONS) OF THE CITY OF BOWLING GREEN  
CODE OF ORDINANCES RELATED TO THE SALE AND USE OF  
FIREWORKS

Title and summary of Ordinance No. BG2011 - 51 was read by the Assistant City Manager/City Clerk. Motion was made by Hill and seconded by Denning for second reading of said Ordinance. DeFebbo specified that staff established a guide sheet and special discharge permit that would be made available to anyone who would like to request the use of fireworks for days other than those established by ordinance. He explained that there was no fee for the special discharge permit; however, the applicant must demonstrate that the State's 200 foot requirement would be met. Mr. DeFebbo also advised that staff was preparing a video tutorial to better educate the community about the proper use of fireworks and established regulations, which would be presented to the Board in a few months. With no other discussion, a roll call vote was taken.

ROLL CALL:       Voting Yea: Denning, Hill, Waltrip and Wilkerson  
                  Voting Nay: None

Ordinance No. BG2011 - 51 was adopted by unanimous vote.

MUNICIPAL ORDER NO. 2011 - 228

MUNICIPAL ORDER APPROVING THE REAPPOINTMENTS OF  
SUE PARRIGIN AND MONICA BURKE TO THE  
ADMINISTRATIVE APPEALS BOARD

Summary of Municipal Order No. 2011 - 228 was read by the Assistant City Manager/City Clerk. Motion was made by Hill and seconded by Waltrip for consideration of said Municipal Order. Mayor Wilkerson asked for discussion, and with none, a roll call vote was taken.

ROLL CALL:           Voting Yea:   Denning, Hill, Waltrip and Wilkerson  
                          Voting Nay:   None  
Municipal Order No. 2011 - 228 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2011 - 229

MUNICIPAL ORDER APPROVING THE APPOINTMENT OF  
JENNIFER TOUGAS TO THE GREENWAYS COMMISSION OF  
BOWLING GREEN AND WARREN COUNTY

Summary of Municipal Order No. 2011 - 229 was read by the Assistant City Manager/City Clerk. Motion was made by Hill and seconded by Denning for consideration of said Municipal Order. Mayor Wilkerson asked for discussion, and with none, a roll call vote was taken.

ROLL CALL:           Voting Yea:   Denning, Hill, Waltrip and Wilkerson  
                          Voting Nay:   None  
Municipal Order No. 2011 - 229 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2011 - 230

MUNICIPAL ORDER APPROVING THE PROMOTION OF  
THEODORE L. WEBB TO THE POSITION OF CODE  
ENFORCEMENT COORDINATOR IN THE NEIGHBORHOOD AND  
COMMUNITY SERVICES DEPARTMENT

Summary of Municipal Order No. 2011 - 230 was read by the Assistant City Manager/City Clerk. Motion was made by Denning and seconded by Hill for consideration of said Municipal Order. Neighborhood and Community Services Director Brent Childers reviewed the application and interview process. He highlighted Mr. Webb's qualifications and recommended the promotion. Mayor Wilkerson asked for additional discussion, and with none, a roll call vote was taken.

ROLL CALL:           Voting Yea:   Denning, Hill, Waltrip and Wilkerson  
                          Voting Nay:   None  
Municipal Order No. 2011 - 230 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2011 - 231

MUNICIPAL ORDER APPROVING THE PROBATIONARY  
APPOINTMENTS OF MICHAEL S. AMOS, PHILMON U.  
CARPENTER, JACOB T. FORRESTER, NICOLE L. HATCHETT,  
CLIFTON A. PHELPS AND MELISSA M. WARTAK TO THE  
POSITION OF POLICE OFFICER IN THE POLICE DEPARTMENT

Summary of Municipal Order No. 2011 - 231 was read by the Assistant City Manager/City Clerk. Motion was made by Waltrip and seconded by Denning for consideration of said Municipal Order. DeFebbo indicated that the City was constantly searching for the best individuals to become Police Officers and he recommended the appointments. Both Comm. Waltrip and Comm. Denning acknowledged that they each knew one of the candidates and thought the individuals would be good hires. Mayor Wilkerson asked for additional discussion, and with none, a roll call vote was taken.

ROLL CALL:           Voting Yea:   Denning, Hill, Waltrip and Wilkerson  
                          Voting Nay:   None  
Municipal Order No. 2011 - 231 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2011 - 232

MUNICIPAL ORDER APPROVING THE PROBATIONARY APPOINTMENT OF DAYAN M. RAILEY TO THE POSITION OF LABORER II IN THE PUBLIC WORKS DEPARTMENT

Summary of Municipal Order No. 2011 - 232 was read by the Assistant City Manager/City Clerk. Motion was made by Denning and seconded by Hill for consideration of said Municipal Order. DeFebbo noted there was a vacancy due to a recent resignation. He reported there were over 70 applicants. He reviewed the qualifications of the recommended candidate, who was presently a part-time employee in the Parks and Recreation Department. Mayor Wilkerson asked for additional discussion, and with none, a roll call vote was taken.

ROLL CALL:           Voting Yea:   Denning, Hill, Waltrip and Wilkerson  
                          Voting Nay:   None  
Municipal Order No. 2011 - 232 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2011 - 233

MUNICIPAL ORDER AUTHORIZING AND ACCEPTING BID #2012-06 FOR DOOR HARDWARE REPLACEMENT PROJECT FOR THE SLOAN CONVENTION CENTER FROM CARTER DOUGLAS COMPANY, LLC OF RUSSELLVILLE, KENTUCKY IN THE AMOUNT OF \$69,500

Summary of Municipal Order No. 2011 - 233 was read by the Assistant City Manager/City Clerk. Motion was made by Denning and seconded by Hill for consideration of said Municipal Order. DeFebbo reviewed the need for replacement of hardware to keep the facility in good working condition. He noted that The Convention Center Corporation (CCC) had met just prior to this meeting and recommended the approval of the purchase and installation. Human Resources Director and Convention Center CEO J. Michael Grubbs confirmed that the company receiving the award was a general contractor. Mayor Wilkerson reiterated the action previously taken by the CCC Board of Directors. With no further discussion, a roll call vote was taken.

ROLL CALL:           Voting Yea:   Denning, Hill, Waltrip and Wilkerson  
                          Voting Nay:   None  
Municipal Order No. 2011 - 233 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2011 - 234

MUNICIPAL ORDER AUTHORIZING AND ACCEPTING BID #2012-08 FOR CAM-LOCK PORTABLE DANCE FLOORS FOR THE SLOAN CONVENTION CENTER FROM SICO AMERICA OF EDINA, MINNESOTA IN THE AMOUNT OF \$42,446.40

Summary of Municipal Order No. 2011 - 234 was read by the Assistant City Manager/City Clerk. Motion was made by Hill and seconded by Waltrip for consideration of said Municipal Order. DeFebbo remarked about the facility and the types of events held which require the use of a dance floor. He noted that this item was also recommended for approval by The Convention Center Corporation (CCC), which met just prior to this meeting. Mayor Wilkerson asked for additional discussion, and with none, a roll call vote was taken.

ROLL CALL:           Voting Yea: Denning, Hill, Waltrip and Wilkerson  
                          Voting Nay: None

Municipal Order No. 2011 - 234 was approved by unanimous vote.

RESOLUTION NO. 2011 - 3

RESOLUTION SUPPORTING THE WARREN COUNTY  
ORDINANCE PROHIBITING THE POSSESSION OR SALE OF AM  
CANNABINOIDS, CP CANNABINOIDS, JWH CANNABINOIDS,  
OR HU CANNABINOIDS SYNTHETIC CANNABINOIDS  
AGONISTS

Summary of Resolution No. 2011 - 3 was read by the Assistant City Manager/City Clerk. Motion was made by Waltrip and seconded by Denning for consideration of said Resolution. Comm. Waltrip commented about the City's show of support for an ordinance introduced by Warren County Fiscal Court at its last meeting to prohibit the sale and use of the synthetic drugs. He explained that the County's action would get a substance off the streets of Bowling Green that should be outlawed. He thanked City Attorney Gene Harmon and Warren County Attorney Amy Milliken for their work on drafting the actions and working through the issues which were initially brought to light this past Spring. Comm. Waltrip stated it was his belief that State Representative Jody Richards would be introducing a bill in January for the Kentucky General Assembly to address the issue at a state-wide level and that the action taken by the City and County would hopefully be a short-term local solution. Since the discussion which took place about the issue at the December 6<sup>th</sup> work session identified businesses that sold the dangerous substance, Comm. Waltrip specified he wanted to set the record straight and clarified that Easy Liquors had not actually sold the substance as previously reported. He remarked about the ability of both local governments working together for the betterment of the community. With no other discussion, a roll call vote was taken.

ROLL CALL:           Voting Yea: Denning, Hill, Waltrip and Wilkerson  
                          Voting Nay: None

Resolution No. 2011 - 3 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2011 - 235

MUNICIPAL ORDER APPROVING A KENTUCKY  
INFRASTRUCTURE AUTHORITY (KIA) FEDERALLY ASSISTED  
WASTEWATER REVOLVING LOAN FUND INCREASE IN THE  
AMOUNT OF \$2,500,000 TO AN EXISTING KIA LOAN FOR  
RENOVATIONS AND EXPANSION OF THE WASTEWATER  
TREATMENT PLANT

Summary of Municipal Order No. 2011 - 235 was read by the Assistant City Manager/City Clerk. Motion was made by Waltrip and seconded by Denning for consideration of said Municipal Order. DeFebbo reviewed the request by Bowling Green Municipal Utilities (BGMU) for additional loan funds to continue to make improvements to remain compliant with required standards. He also pointed out that no General Fund monies of the City were involved and that BGMU was responsible for the loan and its repayment. Comm. Waltrip complimented BGMU for providing a thriving water supply. Mayor Wilkerson asked for additional discussion, and with none, a roll call vote was taken.

ROLL CALL:           Voting Yea:   Denning, Hill, Waltrip and Wilkerson

                          Voting Nay:   None

Municipal Order No. 2011 - 235 was approved by unanimous vote.

**ORDINANCE NO. BG2011 - 53**

**(First Reading)**

**ORDINANCE RELATING TO CABLE TELEVISION FRANCHISE**

**AN ORDINANCE OF THE CITY OF BOWLING GREEN SECTION OF THE BOWLING GREEN-WARREN COUNTY CABLE FRANCHISE AUTHORITY APPROVING FRANCHISE EXTENSION AGREEMENTS WITH INSIGHT KENTUCKY PARTNERS II, L.P. AND TIME WARNER CABLE, INC., AND AUTHORIZING THE MAYOR TO EXECUTE THE AGREEMENTS ON BEHALF OF THE CITY**

Title and summary of Ordinance No. BG2011 - 53 was read by the Assistant City Manager/City Clerk. Motion was made by Denning and seconded by Waltrip for first reading of said Ordinance. DeFebbo requested that City Attorney Gene Harmon explain the short-term non-exclusive cable franchise extension. Mr. Harmon provided a brief history of the existing and past cable franchise agreements and the extension process regulated by the Federal Communications Commission (FCC), Kentucky Revised Statutes (KRS) and certain other guidelines. He recounted that shortly after the Cable Authority had held its required public hearing in August, the City and County were notified of the merger of Insight with Time Warner which hindered the ability to negotiate a long-term renewal of the franchise with the expiration of the franchise and transfer occurring at about the same time. Therefore, he recommended a thirteen month extension until January 31, 2013 under the existing franchise terms and conditions in order for the merger to be completed and for negotiations to proceed. Although, he indicated that cities did not have a whole lot of ability to regulate cable services and that this franchise agreement did not apply in any way to the phone or internet services that were also offered by Insight. In addition, Mr. Harmon emphasized that this was a non-exclusive franchise and that any other cable company could also receive a franchise from the City to open up competition.

To address several requests received by the Cable Authority regarding a desire that residents have access to a Louisville or Lexington television station, Comm. Denning disclosed that when he was Mayor, he had met with Insight cable officials and learned that the process for Insight to include such a station in its lineup was very involved. He affirmed that there was not a lot that the City and County could do to achieve results. Further hindering the issue, Mr. Harmon added that local affiliates had the ability to protest the offering of other outside competitors. However, Mr. Harmon confirmed that the Cable Authority will continue to pursue that issue. Comm. Denning also noted

later in this discussion that he addressed some local customer service concerns during the same meeting.

In response to Mayor Wilkerson's inquiry about whether a reply had been provided from Insight regarding the various issues discussed at the public hearing, Mr. Harmon reported that only some of the issues specifically related to the franchise agreement had been addressed. Since the franchise did not include internet or phone services, he opined that the Cable Authority could not compel action related to those services through the franchise renewal process. However, he did note that such things as the following could be negotiated: 1) household density requirements or range needed for expansion of cable services; 2) any public, educational and governmental (PEG) issues; 3) financial terms for assistance with operation of the PEG channels; 4) protection of the rights-of-way; and 5) customer service standards.

George Peterson of 2138 Smallhouse Road commented that he considered data communication as a utility service and he requested that the City and BGMU seriously look at enhancing and expanding the existing WiFi (wireless internet access) and digital fiber optics services for the citizenry to access and use. He said he could understand and accept the possibility of having to pay a fee for such services and be a revenue generating resource. He further requested that the City consider offering local competitive cable services as a way to weaken the apparent monopoly that currently exists. Mr. Peterson urged the City to conduct a feasibility study and comprehensive surveys that might indicate if the substantial capital infrastructure build out that would be needed was a value to pursue with a revenue stream and the potential to make a profit. As a part of his research on the subject, Mr. Peterson reported that he became aware of the potential to negotiate with a cable franchisee an opportunity to provide certain governmental or educational services at either significant discounts or free and that was a lever that the franchisor had available to pull during negotiations. He suggested that the Cable Authority look into that further.

As a matter of public interest, Mayor Wilkerson announced that Insight would be imposing a \$3.00 increase for the Classic cable service package as of January 1<sup>st</sup>, which would impact approximately 97% of Insight subscribers. With no other discussion, he called for a roll call vote.

ROLL CALL:           Voting Yea: Denning, Hill, Waltrip and Wilkerson  
                          Voting Nay: None

First reading of Ordinance No. BG2011 - 53 was approved by unanimous vote.

**RESOLUTION NO. BG - WCCA - 55**

**RESOLUTION OF THE CITY OF BOWLING GREEN SECTION OF THE BOWLING GREEN-WARREN COUNTY CABLE FRANCHISE AUTHORITY APPROVING THE TRANSFER OF CONTROL OF THE FRANCHISE AGREEMENT FROM INSIGHT KENTUCKY PARTNERS II, L.P. TO A WHOLLY-OWNED SUBSIDIARY OF TIME WARNER CABLE, INC.**

Summary of Resolution No. BG - WCCA - 55 was read by the Assistant City Manager/City Clerk. Motion was made by Denning and seconded by Hill for consideration of said Resolution. This item was discussed in conjunction with the previous item (Ordinance No. BG2011 - 53). City Attorney Gene Harmon previously noted that within 120 days of the notice of transfer, the Cable



Authority (through the City and County) was required to approve the transfer or it would take effect automatically by law, since there was no basis for denial to be found. He had also previously explained that this action documented the transfer in the City's permanent records for historical reference. Mayor Wilkerson asked for additional discussion, and with none, a roll call vote was taken.

ROLL CALL: Voting Yea: Denning, Hill, Waltrip and Wilkerson

Voting Nay: None

Resolution No. BG – WCCA – 55 was approved by unanimous vote.

Following the vote, Comm. Denning commented about having heard of other communities that have or had two cable services, where the second service may start out offering lower prices, but ends up increasing fees in the long run to stay up to date with equipment and other things needed in order to compete. Mr. Harmon mentioned that Frankfort, Kentucky used to have a government cable service and a private service, but he thought that one of them was bought out because it could not continue to compete. Comm. Waltrip stated that cable and internet services' issue was not going to go away and he asked the City Manager to add this item to the Board's annual retreat for more discussion. Mr. DeFebbo agreed. Comm. Hill remarked studies have shown cities that have offered data plans (internet services) and taken that on themselves, can do it for a while but then get out of it because they cannot sustain it. Mr. DeFebbo stated that the City had studied these issues in the past and that the information could be presented at the retreat.

**MUNICIPAL ORDER NO. 2011 – 236**

**MUNICIPAL ORDER AUTHORIZING THE ACCEPTANCE OF 2012 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. 2011 - 236 was read by the Assistant City Manager/City Clerk. Motion was made by Waltrip and seconded by Denning for consideration of said Municipal Order. DeFebbo reviewed and recommended acceptance of the grant which would be used to cover overtime costs for the two Police Officers assigned to the Bowling Green-Warren County Drug Task Force. Mayor Wilkerson asked for additional discussion, and with none, a roll call vote was taken.

ROLL CALL: Voting Yea: Denning, Hill, Waltrip and Wilkerson

Voting Nay: None

Municipal Order No. 2011 - 236 was approved by unanimous vote.

**MUNICIPAL ORDER NO. 2011 – 237**

**MUNICIPAL ORDER APPROVING CONSTRUCTION AND ACCEPTING MAINTENANCE OF VARIOUS STREETS IN GREYSTONE SUBDIVISION, SECTION II**

Summary of Municipal Order No. 2011 - 237 was read by the Assistant City Manager/City Clerk. Motion was made by Denning and seconded by Waltrip for consideration of said Municipal Order. Since the series of criteria had been met and an inspection performed, Mr. DeFebbo

recommended acceptance of the street maintenance per City policy. Mayor Wilkerson asked for additional discussion, and with none, a roll call vote was taken.

ROLL CALL: Voting Yea: Denning, Hill, Waltrip and Wilkerson

Voting Nay: None

Municipal Order No. 2011 - 237 was approved by unanimous vote.

**MUNICIPAL ORDER NO. 2011 - 238**

**MUNICIPAL ORDER ACCEPTING THE CITY OF BOWLING GREEN, KENTUCKY COMPREHENSIVE ANNUAL FINANCIAL REPORT FOR THE PERIOD ENDING JUNE 30, 2011 AS PREPARED BY THE DEPARTMENT OF FINANCE AND AUDITED BY MOUNTJOY CHILTON MEDLEY, LLP**

Summary of Municipal Order No. 2011 - 238 was read by the Assistant City Manager/City Clerk. Motion was made by Waltrip and seconded by Hill for consideration of said Municipal Order. DeFebbo detailed that about four years ago the City created the office of Internal Auditor and the Audit Committee to provide independent oversight of the City's financial operations. As one of its responsibilities, Mr. DeFebbo affirmed that the Audit Committee met to review the Comprehensive Annual Financial Report (CAFR).

Audit Committee Chairman David McKillip indicated that the Audit Committee met with the external auditors on December 12<sup>th</sup> for a presentation and discussion of the Fiscal Year 2011 audit in detail. He provided an overview of the most notable highlights, including a \$10.9 million increase in net assets from the previous year, having \$17 million in unrestricted resources at year end available for on-going and future projects, an increase of \$1.2 million in revenues primarily due to improvement in the local economy, a decrease in total expenses of \$1.2 million primarily from interest expense reduction by reducing long-term debt, and a decrease in total debt (governmental and business) during the year by about \$6.8 million. Mr. McKillip remarked that the Audit Committee continues to be impressed by the conservative and proactive approach the City Manager and Chief Financial Officer have taken with respect to the City's finances. He commended City leadership for achieving significant cost savings while maintaining a relatively high level of services to the citizens. Mr. McKillip disclosed that the City received a clean and unqualified audit opinion from the independent auditors and there were no internal control weaknesses noted. As a result of the favorable report, he stated the Audit Committee recommended approval of the CAFR.

Mayor Wilkerson thanked Mr. McKillip for his report and voiced appreciation for the points noted about the increase in assets and reduction in debt. He also thanked the Audit Committee members for their services. Mr. DeFebbo acknowledged the efforts put forth by all City employees who have done more with less over the last couple of years, as well as the efforts of Senior Managers and, in particular, Ms. Schaller who has a large part in the budgeting process. Mayor Wilkerson pointed out that the City was operating at about the same level of revenues received in 2007, and for the most part, he surmised that the general public had not noticed a reduction in services. Comm. Hill thanked Internal Auditor Deborah Jenkins for implementing new programs to keep the City running the way it should.

Mayor Wilkerson announced that the City had also received a Certificate of Achievement for its financial reporting for Fiscal Year 2010. Chief Financial Officer Jeff Meisel also publicized that a new report was prepared this year, known as the Popular Annual Financial Report (PAFR), which was a more condensed version of the CAFR and was presented in a format that was easier to read. He stated that the PAFR and CAFR were both available for public review and posted on the City's website. Mayor Wilkerson agreed the PAFR was a very good summary of the City's financial activities. Once the discussion ended, a roll call vote was taken.

ROLL CALL: Voting Yea: Denning, Hill, Waltrip and Wilkerson

Voting Nay: None

Municipal Order No. 2011 - 238 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2011 - 239

MUNICIPAL ORDER APPROVING AGREEMENT BETWEEN THE CITY OF BOWLING GREEN AND ST. JOSEPH FOUNDATION, INC. RELATED TO THE PROVISION OF CEMETERY SERVICES

Summary of Municipal Order No. 2011 - 239 was read by the Assistant City Manager/City Clerk. Motion was made by Denning and seconded by Hill for consideration of said Municipal Order. DeFebbo recounted that during the December 6th work session discussion about the golf courses, there were various subsidies noted for many Parks and Recreation programs, including the operation of the City's cemeteries. Being mindful of the need to be more entrepreneurial and to increase revenues were possible, he recommended approval of an agreement to provide opening and closing burial services for the St. Joseph Cemetery. Parks and Recreation Director Ernie Gouvas responded to a question and indicated that the City submitted a bid to perform this service. Mayor Wilkerson asked for additional discussion, and with none, a roll call vote was taken.

ROLL CALL: Voting Yea: Denning, Hill, Waltrip and Wilkerson

Voting Nay: None

Municipal Order No. 2011 - 239 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2011 - 240

MUNICIPAL ORDER DEDICATING AND NAMING THE LEE SQUARE PARK PICNIC SHELTER THE "ORA PORTER PICNIC AREA"

Summary of Municipal Order No. 2011 - 240 was read by the Assistant City Manager/City Clerk. Motion was made by Denning and seconded by Hill for consideration of said Municipal Order. Mayor Wilkerson explained that the City received a request to recognize the accomplishments of Ms. Porter. He indicated that a bronze historical marker was placed in front of the house she once lived in at 715 College Street, but because of the SKyPAC development the marker was relocated near Lee Square Park. Although the park will remain known as Lee Square, Mayor Wilkerson specified the picnic shelter would be named in honor of Ms. Porter. Comm. Denning confirmed that Ms. Porter was Bowling Green's first registered nurse. With no other discussion, a roll call vote was taken.

ROLL CALL:           Voting Yea: Denning, Hill, Waltrip and Wilkerson  
                  Voting Nay: None  
Municipal Order No. 2011 - 240 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2011 - 241

MUNICIPAL ORDER APPROVING A LETTER AGREEMENT  
BETWEEN THE CITY OF BOWLING GREEN AND THE  
KENTUCKY STATE HISTORIC PRESERVATION OFFICE  
RELATED TO A HISTORIC MITIGATION PROJECT

Summary of Municipal Order No. 2011 - 241 was read by the Assistant City Manager/City Clerk. Motion was made by Waltrip and seconded by Hill for consideration of said Municipal Order. DeFebbo reported that the City had been working to satisfy the final requirements of the State Historic Preservation Office (SHPO) from a 2006 agreement for specified properties on Center and College Streets tied to the SKyPAC development. Since the development hindered the ability to complete an archaeological study of the rear yard of 602 Center Street, Mr. DeFebbo explained that an alternative mitigation that consists of the manufacture and placement of three interpretive signs within the immediate vicinity of the SKyPAC facility was now required by SHPO. In addition, he specified that the last two remaining buildings, located at 631 and 633 College Street, could now be torn down. Mayor Wilkerson asked for additional discussion, and with none, a roll call vote was taken.

ROLL CALL:           Voting Yea: Denning, Hill, Waltrip and Wilkerson  
                  Voting Nay: None  
Municipal Order No. 2011 - 241 was approved by unanimous vote.

CLOSED SESSION

Following a brief recess to clear the Commission Chamber, the Board of Commissioners met at approximately 8:20 p.m. in closed session pursuant to KRS 61.810 (1) (b), (c) and (g) as previously approved. DeFebbo confirmed there was no action expected to follow the discussion.

ADJOURNMENT

Once all discussion concluded in closed session and there being no further business to come before the Board of Commissioners, at approximately 9:25 p.m., Mayor Wilkerson declared this meeting adjourned.

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

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

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