

**MINUTES of REGULAR MEETING  
of the BOARD of COMMISSIONERS  
of the CITY of BOWLING GREEN, KENTUCKY  
held OCTOBER 20, 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 October 20, 2009. Mayor Elaine N. Walker called the meeting to order. An invocation was given by Pastor Douglas Lopez of Nuevo Vida Mission, 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**

Historic Preservation Planner Miranda Clements, filling in for Operation P.R.I.D.E. Executive Director Ray Lackey, announced the monthly awards for improvements made to residential and non-residential property. The residential award went to Brent Wimpee and Mitch Wright for the renovation of St. James Apartments at 1133 Chestnut Street. The commercial award was presented to The Cabin Restaurant located at 1567 Old Louisville Road, previous owners Jimmy and Phyllis Nalley and current owner Luke Williams accepted the award.

**CITY MANAGER**

City Manager Kevin D. DeFebbo requested a closed session for the purpose of discussion of proposed litigation on behalf of the City and pending litigation against the City. Motion was made by Nash and seconded by Wilkerson to convene in closed session following the regular meeting pursuant to KRS 61.810 (c). Walker called for roll call vote.

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

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

Chief Financial Officer Jeff Meisel reminded everyone the 2009 property tax bills were mailed out in the previous week. He noted that the City's property tax rate was 20.6 cents per \$100 of assessed value and that city and/or county school taxes were also included on this billing. Comm. Wilkerson pointed out that the City simply collected the school tax payments and did not have any control over the property tax rates imposed by the City or County School Boards.

**APPROVAL OF MINUTES**

Minutes of Regular Meeting October 6, 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 October 6, 2009 was approved by unanimous vote.

PUBLIC COMMENTS

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

ORDINANCE NO. BG2009 - 30

(Second Reading)

ORDINANCE AMENDING CODE OF ORDINANCES

ORDINANCE CREATING A NEW SUBCHAPTER OF CHAPTER 11 (FINANCE, TAXATION AND ECONOMIC DEVELOPMENT) OF THE CITY OF BOWLING GREEN CODE OF ORDINANCES TO INCORPORATE THE CREATION OF A TAX INCREMENT FINANCING (TIF) DISTRICT RELATED TO THE WKU GATEWAY TO DOWNTOWN BOWLING GREEN DEVELOPMENT AREA

Title and summary of Ordinance No. BG2009 - 30 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 specified that this item had nothing to do with the movement of the parking structure to Block 12 of the TIF district near WKU's campus. City Attorney Gene Harmon confirmed language requiring more detailed information from subdevelopers was added to the ordinance which was discussed at the previous Board of Commissioners meeting. 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

Ordinance No. BG2009 - 30 was adopted by unanimous vote.

MUNICIPAL ORDER NO. 2009 - 206

MUNICIPAL ORDER APPROVING THE PROBATIONARY APPOINTMENT OF RICHARD J. OTTWAY TO THE POSITION OF POLICE OFFICER IN THE POLICE DEPARTMENT

Summary of Municipal Order No. 2009 - 206 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 had a standing protocol to fill openings for Police Officers. He reviewed the application, testing and interview process and he recommended the appointment. Police Chief Doug Hawkins responded to questions regarding the number of sworn officer positions and the number of vacancies to be filled. 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 - 206 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2009 – 207

MUNICIPAL ORDER ACCEPTING AND AUTHORIZING THE MAYOR TO EXECUTE A GRANT AGREEMENT ON BEHALF OF THE CITY OF BOWLING GREEN WITH THE KENTUCKY JUSTICE AND PUBLIC SAFETY CABINET FOR FEDERAL VICTIMS OF CRIME ACT (VOCA) 2009 FUNDS IN THE AMOUNT OF \$34,851

Summary of Municipal Order No. 2009 - 207 was read by the Assistant City Manager/City Clerk. Motion was made by Wilkerson and seconded by Nash for consideration of said Municipal Order. DeFebbo stated this was the seventeenth year of grant funding which required a 20% match to fund a Victim Advocate position. Mayor Walker and Comm. Nash both complimented Victim Advocate April Fulcher's dedication and service to the community. 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 - 207 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2009 – 208

MUNICIPAL ORDER APPROVING RECOMMENDATION FROM THE BOWLING GREEN AREA CONVENTION AND VISITORS BUREAU TO DISTRIBUTE \$54,400 OF TRANSIENT ROOM TAXES TO OPERATION P.R.I.D.E.

Summary of Municipal Order No. 2009 - 208 was read by the Assistant City Manager/City Clerk. Motion was made by Hamilton and seconded by Denning for consideration of said Municipal Order. DeFebbo reviewed the program established to allow the use of funds for special projects by the Bowling Green Area Convention and Visitors Bureau. Convention and Visitors Bureau Director Vicki Fitch described the fencing and landscaping project to beautify the area near the I-65 interchange at Scottsville Road (US Hwy 231). 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 - 208 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2009 – 209

MUNICIPAL ORDER AUTHORIZING THE ACCEPTANCE OF A GRANT FROM THE KENTUCKY ENERGY AND ENVIRONMENT CABINET, DIVISION OF FORESTRY, IN THE AMOUNT NOT TO EXCEED \$2,000 FOR THE CITY ARBORIST TO ATTEND THE 2010 MUNICIPAL FORESTERS INSTITUTE

Summary of Municipal Order No. 2009 - 209 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 commented about the City's reduced travel budget and the grant received to provide for City Arborist Jared Weaver to attend the foresters institute, which attested to Mr. Weaver's talents and dedication to his craft. Mayor Walker thanked Mr. Weaver for his dedication and commitment to the community. 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 - 209 was approved by unanimous vote.

**MUNICIPAL ORDER NO. 2009 – 210**

**MUNICIPAL ORDER AUTHORIZING A CONTRIBUTION FROM THE CITY'S GENERAL FUND IN THE AMOUNT OF \$410,000 TO THE BOWLING GREEN POLICE AND FIREFIGHTERS RETIREMENT FUND FOR FISCAL YEAR 2010**

Summary of Municipal Order No. 2009 - 210 was read by the Assistant City Manager/City Clerk. Motion was made by Nash and seconded by Hamilton for consideration of said Municipal Order. DeFebbo reviewed the City's closed retirement plan and the need to maintain its viability. He also indicated that these funds would help provide a 1.8% cost of living adjustment for the annuitants this year. Mayor Walker explained this retirement fund covered retirees who left police and fire service prior to 1988. 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 - 210 was approved by unanimous vote.

**MUNICIPAL ORDER NO. 2009 – 211**

**MUNICIPAL ORDER APPROVING CONSTRUCTION AND ACCEPTING MAINTENANCE OF VARIOUS STREETS IN THE CROSSINGS AT CAVE MILL SUBDIVISION, SECTION FOUR**

Summary of Municipal Order No. 2009 - 211 was read by the Assistant City Manager/City Clerk. Motion was made by Wilkerson and seconded by Hamilton for consideration of said Municipal Order. With regard to this item and the next three (Municipal Order Nos. 2009 - 212, 2009 - 213 and 2009 - 214), DeFebbo outlined the requirement to accept maintenance of new streets, including curb and gutter, following a satisfactory inspection. 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 - 211 was approved by unanimous vote.

**MUNICIPAL ORDER NO. 2009 – 212**

**MUNICIPAL ORDER APPROVING CONSTRUCTION AND ACCEPTING MAINTENANCE OF VARIOUS STREETS IN BRIARWOOD SUBDIVISION, SECTION NINETEEN**

Summary of Municipal Order No. 2009 - 212 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 - 212 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2009 – 213

MUNICIPAL ORDER APPROVING CONSTRUCTION AND ACCEPTING MAINTENANCE OF VARIOUS STREETS IN RIVERBEND LANDING SUBDIVISION, SECTION ONE AND SECTION TWO

Summary of Municipal Order No. 2009 - 213 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 - 213 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2009 – 214

MUNICIPAL ORDER APPROVING CONSTRUCTION AND ACCEPTING MAINTENANCE OF VARIOUS STREETS IN DEER PARK SUBDIVISION, SECTIONS THREE, FOUR, FIVE AND SIX

Summary of Municipal Order No. 2009 – 214 was read by the Assistant City Manager/City Clerk. Motion was made by Wilkerson and seconded by Nash for consideration of said Municipal Order. Public Works Director Emmett Wood responded to a question from Comm. Wilkerson about whether there were any drainage issues in this area. He stated there was no evidence found that storm water structures were not performing according to design. 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 - 214 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2009 – 215

MUNICIPAL ORDER APPROVING FISCAL YEARS 2009/2010 THROUGH 2011/2012 CAPITAL IMPROVEMENT PROGRAM (CIP) FOR THE CITY OF BOWLING GREEN, KENTUCKY

Summary of Municipal Order No. 2009 - 215 was read by the Assistant City Manager/City Clerk. Motion was made by Denning and seconded by Wilkerson for consideration of said Municipal Order. DeFebbo outlined the three-year capital improvement program which was considerably

narrowed in light of financial conditions since previously discussed at the July 19<sup>th</sup> work session. He reported that it was important to note that very limited General Fund monies were used for capital expenditures in the Fiscal Year 2010 budget. DeFebbo also responded to a question from Comm. Denning about the need for a utility strip (grassy area between sidewalk and curb) to be installed in most areas with sidewalk construction. 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 - 215 was approved by unanimous vote.

RESOLUTION NO. 2009 – 5

RESOLUTION SUPPORTING THE CONTINUATION OF THE  
EXISTING OPERATIONS OF THE UNITED STATES POSTAL  
SERVICE PROCESSING AND DISTRIBUTION FACILITY IN  
BOWLING GREEN

Summary of Resolution No. 2009 - 5 was read by the Assistant City Manager/City Clerk. Motion was made by Denning and seconded by Nash for consideration of said Resolution. Comm. Nash recognized the President of the American Postal Workers Union Local 455 Denny Palmer who was in attendance. Mr. Palmer, who spoke on behalf of the local postal service employees, thanked the Board of Commissioners for its support to keep operations at the Bowling Green facility. He reviewed the study underway which was considering the relocation or consolidation of processing and distribution from the Bowling Green facility to Nashville, Tennessee. Mr. Palmer expressed concerns regarding the potential displacement of local postal workers, the expected impact to mail delivery with processing and distribution not retained locally, and the impact to the local economy. Mr. Palmer also responded to questions about the local facility and the benefits for the community and surrounding area, including WKU, with keeping it open.

Comm. Nash said he spoke to several people about this issue. He reported he learned that if the facility was eliminated and moved to Nashville, nearly half of Bowling Green's mail would travel 140 miles to Tennessee and back again. He also remarked about the benefits from the biohazard protection system established at the Bowling Green facility. Comm. Nash indicated it was worthwhile for the Board of Commissioners to wade in on the issue.

Comm. Wilkerson stated he was concerned about the direct affect such a move would have on local jobs and had received many comments from others concerned about the issue. He announced that the Bowling Green Area Chamber of Commerce Board of Directors had also passed a resolution supporting the continuation of operations in Bowling Green.

Comm. Denning suggested that the various facts and figures regarding the number of local workers impacted by this decision, the anticipated lag time for mail distribution to occur, and other information about the local facility should be included with the resolution when it is sent to state and federal legislators. He emphasized that the City did not need to lose any jobs.

Comm. Hamilton said she had also received many comments about the issue and agreed that it was important to keep the facility open in Bowling Green.

Mayor Walker indicated that the action proposed by the United States Postal Service to consolidate facilities seemed to contradict stimulus efforts to create and maintain jobs. Once the discussion ended, a roll call vote was taken.

ROLL CALL: Voting Yea: Wilkerson, Denning, Hamilton, Nash and Walker

Voting Nay: None

Resolution No. 2009 - 5 was approved by unanimous vote.

**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 (c) as previously approved.

**ADJOURNMENT**

Once all discussion concluded in closed session and there being no further business to come before the Board of Commissioners, at approximately 8:10 p.m., Mayor Walker declared this meeting adjourned.

**WORK SESSION**

Prior to the regular meeting and with no action taken, the Board of Commissioners (Comm. Nash arrived late) convened at 4:00 p.m. in the Commission Chamber of City Hall for a regular work session to discuss the following subjects: 1) proposed revisions to Chapter 6 (Building Regulations), Subchapter 6-13 (Contractors Licensing) of the City of Bowling Green Code of Ordinances presented by the Contractors Licensing Board; 2) the 3<sup>rd</sup> Street Commercial Redevelopment Initiative presented by the Housing Authority of Bowling Green; 3) a presentation regarding Sustainable Development Indicators – “Vision of the Future”; and 4) the management report of the Russell Sims Aquatic Center internal audit.

Under new policy initiatives, Mayor Walker reintroduced the topic of the lack of City (or joint) board appointees to the City/County Planning and Zoning Liaison Committee in accordance with Municipal Order No. 2004-106 (previously discussed at the March 3, 2009 work session). The majority of the Board of Commissioners requested additional information about the purpose and role of the Liaison Committee to be presented by the City/County Planning Commission Director and Liaison Committee membership at an upcoming work session. In addition, Comm. Nash reported that he was working on a draft ordinance and researching the possibilities of giving consideration to local vendors in bidding situations (reference to purchasing policies and procedures).

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

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

ATTEST: \_\_\_\_\_

*(Minutes-Board of Commissioners-October 20, 2009)*

City Clerk

*Minutes prepared by Assistant City Manager/City Clerk Katie Schaller*