

**MINUTES of REGULAR MEETING  
of the BOARD of COMMISSIONERS  
of the CITY of BOWLING GREEN, KENTUCKY  
held JUNE 2, 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 June 2, 2009. 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**

Mayor Walker recognized the 100% approval received by the General Motors (GM) Bowling Green Assembly Plant and the confidence in its future.

**CITY MANAGER**

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

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

Motion to convene in closed session pursuant to KRS 61.810 (b) and (c) was approved by unanimous vote. DeFebbo confirmed there was no action expected to follow the discussion.

**APPROVAL OF MINUTES**

Minutes of Regular Meeting May 19, 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: Hamilton, Nash, Wilkerson, Denning and Walker  
                          Voting Nay: None

Motion to approve the minutes of the regular meeting of May 19, 2009 was approved by unanimous vote.

**PUBLIC COMMENTS**

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

CONSENT AGENDA

Mayor Walker requested if there were any items to be removed from the Consent Agenda prior to its consideration. With none, Assistant City Manager/City Clerk Katie Schaller read the summaries of each of the following items:

MUNICIPAL ORDER NO. 2009 – 101

MUNICIPAL ORDER APPROVING AN AMENDMENT TO THE CONTRACT BETWEEN THE CITY OF BOWLING GREEN AND COMMUNITY ACTION OF SOUTHERN KENTUCKY, INC. FOR TRANSPORTATION SERVICES FOR FISCAL YEAR 2009

MUNICIPAL ORDER NO. 2009 – 102

MUNICIPAL ORDER APPROVING A CONTRACT WITH COMMUNITY ACTION OF SOUTHERN KENTUCKY, INC. FOR TRANSPORTATION SERVICES FOR FISCAL YEAR 2010

MUNICIPAL ORDER NO. 2009 – 103

MUNICIPAL ORDER APPROVING A SUBSTANTIAL AMENDMENT TO THE YEAR 5 ANNUAL ACTION PLAN AND THE CONSOLIDATED PLAN FOR COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) ENTITLEMENT FUNDING AND AUTHORIZING ITS SUBMISSION TO THE U. S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Motion was made by Wilkerson and seconded by Hamilton for acceptance of the Consent Agenda as presented. With no discussion, a roll call vote was taken.

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

Motion to accept the Consent Agenda as presented was approved by unanimous vote.

REGULAR AGENDA

ORDINANCE NO. BG2009 – 12

(Second Reading)

ORDINANCE CLOSING A PUBLIC RIGHT-OF-WAY

ORDINANCE APPROVING THE CLOSING OF A TEN FOOT ALLEY OFF OF 7<sup>TH</sup> AVENUE, LOCATED IN THE BLOCK BETWEEN COLLEGE AND FORMERLY CENTER STREETS AND 7<sup>TH</sup> AND 8<sup>TH</sup> AVENUES

Title and summary of Ordinance No. BG2009 - 12 was read by the Assistant City Manager/City Clerk. Motion was made by Denning 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: Hamilton, Nash, Wilkerson, Denning and Walker

Voting Nay: None

Ordinance No. BG2009 - 12 was adopted by unanimous vote.

**ORDINANCE NO. BG2009 - 13**

(Second Reading)

**ORDINANCE REZONING REAL ESTATE**

**ORDINANCE REZONING A TRACT OF LAND CONTAINING 1.6335 ACRES FROM AG (AGRICULTURE) AND HB (HIGHWAY BUSINESS) TO HB (HIGHWAY BUSINESS) LOCATED AT 1959 MEL BROWNING STREET, WITH BINDING ELEMENTS, PRESENTLY OWNED BY DAVID R. BROWNING**

Title and summary of Ordinance No. BG2009 - 13 was read by the Assistant City Manager/City Clerk. Motion was made by Wilkerson and seconded by Denning for second reading of said Ordinance. 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

Ordinance No. BG2009 - 13 was adopted by unanimous vote.

**ORDINANCE NO. BG2009 - 14**

(Second Reading)

**ORDINANCE AMENDING CODE OF ORDINANCES**

**ORDINANCE AMENDING CHAPTER 2 (ADMINISTRATION) OF THE CITY OF BOWLING GREEN CODE OF ORDINANCES TO REMOVE LANGUAGE RELATED TO THE CONSENT AGENDA**

Title and summary of Ordinance No. BG2009 - 14 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: Hamilton, Nash, Wilkerson, Denning and Walker

Voting Nay: None

Ordinance No. BG2009 - 14 was adopted by unanimous vote.

**ORDINANCE NO. BG2009 - 15**

(Second Reading)

**ORDINANCE AMENDING CODE OF ORDINANCES**

**ORDINANCE AMENDING CHAPTER 25 (CODE OF ETHICS) OF THE CITY OF BOWLING GREEN CODE OF ORDINANCES TO REVISE LANGUAGE DEALING WITH CONFLICTS OF INTEREST IN CONTRACTS AND NEPOTISM**

Title and summary of Ordinance No. BG2009 - 15 was read by the Assistant City Manager/City Clerk. Motion was made by Wilkerson and seconded by Nash for second reading of said Ordinance.

Nancy Givens of 1108 Highland Way, Kyda West of 1849 Hartland Court and Donnie Firkins of 238 Freestone Court expressed concern with the changes in the nepotism policy and urged the Board of Commissioners to reconsider these revisions, citing the potential impact they may have on restricting interested and capable people from serving on area boards and commissions. Ms. West suggested that the definition of family was too broad. Mr. Firkins asked the Board to table the issue to provide more time for discussion.

Comm. Wilkerson and City Attorney Gene Harmon outlined the difference between the two policy changes. One relates strictly to conflicts of interest in contracts by elected officials and the other restricts the appointment of family members by the Mayor and Board of Commissioners to entities created, contracted and funded by the City. Mr. Harmon also explained that the definition of "relative" was not changed from its existing language and that only those appointments made by the City would be affected. The City's policy would not affect any appointments made by other entities.

Comm. Denning also expressed concern with the definition of relative being so broad. Comm. Wilkerson confirmed that the definition was the same as the existing Code of Ethics language and that it would simply extend to appointments made by the City to the various boards, commissions and agencies.

Mayor Walker expressed her opposition to the proposed changes and read a prepared statement. She said she looked into the two court cases which Comm. Wilkerson had indicated were the reason for his proposal to revise the Ethics Code and that neither case directly applied to Bowling Green. She voiced concern with the definition of relative in the nepotism section and its impact which would only affect her husband, Dorian, and his volunteerism. She remarked about the many accomplishments that Dorian had achieved for the community during his service on the Historic Preservation Board, the Depot Development Authority and the Friends of L&N Depot. Mayor Walker asserted that the City did not need a new law to fix a problem that did not exist. She strongly urged the Commissioners to reconsider their position on the issue.

In response to a request from Ms. West inquiring about the other Commissioners' position on the issue, Commissioners Nash and Hamilton both indicated that they did not have any problems with the proposed ordinance. Once all discussion ended, a roll call vote was taken.

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

Ordinance No. BG2009 - 15 was adopted by majority vote.

**ORDINANCE NO. BG2009 - 16**  
**(First Reading)**

**ORDINANCE APPROVING APPOINTMENT TO CITY BOARD**

**ORDINANCE APPROVING THE REAPPOINTMENT OF ARTHUR  
M. REYNOLDS TO THE BOWLING GREEN MUNICIPAL  
UTILITIES BOARD**

Title and summary of Ordinance No. BG2009 - 16 was read by the Assistant City Manager/City Clerk. Motion was made by Nash and seconded by Wilkerson for first reading of said Ordinance. 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

First reading of Ordinance No. BG2009 - 16 was approved by unanimous vote.

**MUNICIPAL ORDER NO. 2009 – 104**

**MUNICIPAL ORDER APPROVING THE PROBATIONARY APPOINTMENT OF CHRISTOPHER M. BASHAM TO THE POSITION OF LANDSCAPE GARDENER IN THE PARKS AND RECREATION DEPARTMENT, LANDSCAPE DIVISION**

Summary of Municipal Order No. 2009 - 104 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 the appointment to fill this important position due to the volume of work by the Landscape Division. 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. 2009 - 104 was approved by unanimous vote.

**MUNICIPAL ORDER NO. 2009 – 105**

**MUNICIPAL ORDER AUTHORIZING AND ACCEPTING BID #2009-41 FOR DEMOLITION OF STRUCTURES AND SITE CLEARANCE SERVICES FROM KENWAY CONTRACTING, INC. OF BOWLING GREEN, KENTUCKY**

Summary of Municipal Order No. 2009 - 105 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 bid award at a slight increase per square foot over the existing contract which expires June 30th. 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. 2009 - 105 was approved by unanimous vote.

**MUNICIPAL ORDER NO. 2009 – 106**

**MUNICIPAL ORDER AUTHORIZING AND ACCEPTING BID #2009-43 FOR INSPECTION OF HAZARDOUS MATERIALS FROM RESOLUTION, INC. OF BOWLING GREEN, KENTUCKY**

Summary of Municipal Order No. 2009 - 106 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 bid award. 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. 2009 - 106 was approved by unanimous vote.

**MUNICIPAL ORDER NO. 2009 – 107**

**MUNICIPAL ORDER APPROVING AN APPLICATION FOR ENERGY EFFICIENCY AND CONSERVATION BLOCK GRANT (EECBG) FUNDING AND AUTHORIZING ITS SUBMISSION TO THE U. S. DEPARTMENT OF ENERGY**

Summary of Municipal Order No. 2009 - 107 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 this application and its proposed allocation of stimulus funds was discussed at previous work sessions and meetings of the Board.

Jennifer Tougas, Director of Parking and Transportation Services at Western Kentucky University (WKU) and member of the Rethinking Transportation Task Force, voiced her support of this application and proposal that included benefits to the community and promotion of alternative transportation through a ride-share program. Ms. Tougas explained the concept of the guaranteed ride-home program and responded to questions about how the \$35,000 requested would be spent.

Comm. Wilkerson stated he was less excited about the use of funds for transportation, making a **motion to amend** Municipal Order No. 2009 - 107 by eliminating the funding for the ride-share program and increasing the mini-energy grants program by \$35,000. Comm. Nash seconded the motion to amend to allow discussion regarding the amendment. He asked if any portion of the funds previously approved in Municipal Order Nos. 2009 - 101 and 2009 - 102 for contracting of transportation services with Community Action of Southern Kentucky (CASKY) could be used for the ride-share program. Grants Manager Lisa Ryan and Community Action of Southern Kentucky Director Cheryl Allen responded that those funds were restricted and were tied to the Section 5307 Urbanized Area Transit Apportionment through the Federal Transit Administration (FTA). Ms. Allen also expressed concern with any significant decrease in the City's transportation allocation for agency funding to CASKY as it affected the ability to meet the match requirements to draw down the 5307 funding. Nancy Givens, WKU Sustainability Programs Development Coordinator, voiced the importance of leveraging grant funding to maximize results relating to the CASKY transportation funding.

There was additional discussion regarding the use of the \$35,000 for the ride-share program and whether all of that money was needed for start up and implementation. Mayor Walker indicated that the concept was developed by the Metropolitan Planning Organization (MPO) as a way to ease congestion on roadways, reduce carbon foot printing, and encourage carpooling. She also indicated it was an innovative way to use the stimulus funding if the application was approved by the U.S. Department of Energy. Once all discussion ended, a roll call vote was taken on the motion to amend.

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

Motion to amend Municipal Order No. 2009 - 107 to eliminate the funding for the ride-share program and to increase the funds for the mini-energy grants program failed by majority vote.

Comm. Nash indicated he was skeptical that the ride-share program required the amount of funds proposed, but was willing to see if it could be beneficial. He requested that measured outcomes or results of the ride-share program be presented to the Board in about a year if funding was approved and received. Following all discussion, a roll call vote was taken on the Municipal Order as originally presented.

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

Municipal Order No. 2009 - 107 was approved by unanimous vote.

**ORDINANCE NO. BG2009 - 17**

(First Reading)

**ORDINANCE AMENDING CODE OF ORDINANCES**

**ORDINANCE AMENDING CHAPTER 23 (WATER AND SEWER)  
OF THE CITY OF BOWLING GREEN CODE OF ORDINANCES TO  
REVISE BOWLING GREEN MUNICIPAL UTILITIES (BGMU)  
WATER AND SEWER RATES**

Title and summary of Ordinance No. BG2009 - 17 was read by the Assistant City Manager/City Clerk. Motion was made by Nash and seconded by Denning for first reading of said Ordinance. DeFebbo recounted that the recommended rate increases were presented by BGMU General Manager Mark Iverson at the 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

First reading of Ordinance No. BG2009 - 17 was approved by unanimous vote.

**MUNICIPAL ORDER NO. 2009 - 108**

**MUNICIPAL ORDER ACCEPTING DONATION FROM JOHN AND  
LINDA KELLY FAMILY CHARITABLE FOUNDATION TO  
EXPAND THE SCOPE OF SERVICE OF CAMP HAPPY DAYS**

Summary of Municipal Order No. 2009 - 108 was read by the Assistant City Manager/City Clerk. Motion was made by Nash and seconded by Wilkerson for consideration of said Municipal Order. DeFebbo recommended the acceptance of the donation which would expand the Camp Happy Days program to include up to twelve campers over the age of eighteen. 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. 2009 - 108 was approved by unanimous vote.

**MUNICIPAL ORDER NO. 2009 - 109**

MUNICIPAL ORDER APPROVING A LEASE AGREEMENT WITH  
ENTOURAGE TAPAS BAR & LOUNGE, LLC FOR LEASE OF A  
PORTION OF THE PUBLIC SIDEWALK LOCATED AT 935  
COLLEGE STREET AND 937 COLLEGE STREET

Summary of Municipal Order No. 2009 - 109 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 reviewed the lease of sidewalk requested by the restaurant owner at 935 College Street, which included the consent of the neighboring property owner for use of the sidewalk at 937 College Street as well. 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. 2009 - 109 was approved by unanimous vote.

ORDINANCE NO. BG2009 - 18

(First Reading)

ORDINANCE RELATING TO BUDGET AMENDMENT

ORDINANCE APPROVING AMENDMENT NUMBER FOUR TO  
THE CITY OF BOWLING GREEN, KENTUCKY ANNUAL  
OPERATING BUDGET FOR FISCAL YEAR 2009

Title and summary of Ordinance No. BG2009 - 18 was read by the Assistant City Manager/City Clerk. Motion was made by Wilkerson and seconded by Hamilton for first reading of said Ordinance. DeFebbo recommended approval of the budget amendment which was discussed during the work session with the overall budget recommendation for Fiscal Year 2010. 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. BG2009 - 18 was approved by unanimous vote.

RESOLUTION NO. 2009 - 2

RESOLUTION ENCOURAGING THE CITY OF BOWLING GREEN  
TO SUPPORT AND PARTICIPATE IN THE 2010 CENSUS COUNT  
IN APRIL OF 2010

Summary of Resolution No. 2009 - 2 was read by the Assistant City Manager/City Clerk. Motion was made by Wilkerson and seconded by Hamilton for consideration of said Resolution. Mayor Walker urged support for an accurate census count which would impact future federal funding levels for the community. She 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

Resolution No. 2009 - 2 was approved by unanimous vote.



CLOSED SESSION

Following a brief recess to clear the Commission Chamber, the Board of Commissioners met at approximately 8:30 p.m. in closed session pursuant to KRS 61.810 (b) and (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 8:45 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) the City of Bowling Green's Annual Operating Budget for Fiscal Year 2009/2010 as recommended by the City Manager, including projected revenues and expenditures and the proposed Capital Improvement Projects; and 2) proposed revisions to Chapter 23 (Water and Sewer) of the City of Bowling Green Code of Ordinances relating to recommended rate increases for water and sewer presented by Bowling Green Municipal Utilities.

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

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

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

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