

**MINUTES of REGULAR MEETING  
of the BOARD of COMMISSIONERS  
of the CITY of BOWLING GREEN, KENTUCKY  
held JULY 7, 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 July 7, 2009. Mayor Elaine N. Walker called the meeting to order. An invocation was given by Rev. Michael Blquette of Christ Episcopal Church, 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 Catherine Hamilton, Commissioner Brian "Slim" Nash, Commissioner Bruce Wilkerson and Mayor Elaine N. Walker. Absent: none. There was a full quorum of the Board of Commissioners.

**CITY MANAGER**

City Manager Kevin D. DeFebbo requested a closed session for the purpose of discussion about proposed litigation against the City and pending litigation on behalf of 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: Denning, Hamilton, Nash, Wilkerson and Walker  
                          Voting Nay: None

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

**APPROVAL OF MINUTES**

Minutes of Regular Meeting June 16, 2009 and Special Meeting June 22, 2009

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

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

Motion to approve the minutes of the regular meeting of June 16, 2009 and special meeting of June 22, 2009 was approved by unanimous vote.

**PUBLIC COMMENTS**

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

**MUNICIPAL ORDER NO. 2009 – 139**

**MUNICIPAL ORDER APPROVING THE PROMOTION OF ERIN L.  
RICHTER TO THE POSITION OF FIRE APPARATUS  
OPERATOR/EMT IN THE FIRE DEPARTMENT**

Summary of Municipal Order No. 2009 - 139 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 there was a recent retirement and reviewed the promotional process. Fire Chief Greg Johnson reviewed the qualifications of the individual recommended for promotion. Mayor Walker asked for additional discussion, and with none, a roll call vote was taken.

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

Municipal Order No. 2009 - 139 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2009 – 140

MUNICIPAL ORDER APPROVING THE PROBATIONARY APPOINTMENT OF LISA A. EPLEY TO THE POSITION OF COMMUNICATIONS DISPATCHER IN THE POLICE DEPARTMENT

Summary of Municipal Order No. 2009 - 140 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 that due to a recent resignation of an individual still in training, another applicant was recommended for hire. Mayor Walker asked for additional discussion, and with none, a roll call vote was taken.

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

Municipal Order No. 2009 - 140 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2009 – 141

MUNICIPAL ORDER AUTHORIZING AN AGREEMENT WITH SYMETRA LIFE INSURANCE COMPANY RELATING TO MANAGED HEALTH CARE AND SPECIFIC AND AGGREGATE STOP-LOSS / EXCESS INSURANCE FOR FISCAL YEAR 2010

Summary of Municipal Order No. 2009 – 141 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 change in stop loss coverage which would provide a savings to the City. Interim Human Resources Director Michael Grubbs reviewed the proposed changes and potential savings of a minimum of \$161,000. He also confirmed that this change would not have any negative impact on employee premiums. Mayor Walker asked for additional discussion, and with none, a roll call vote was taken.

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

Municipal Order No. 2009 - 141 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2009 – 142

MUNICIPAL ORDER AUTHORIZING AND ACCEPTING BID #2009-07 FOR FISCAL YEAR 2009 SIDEWALK CONSTRUCTION

FROM CHARLES DEWEESE CONSTRUCTION, INC. OF  
FRANKLIN, KENTUCKY IN THE AMOUNT OF \$926,225

Summary of Municipal Order No. 2009 - 142 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 indicated that these funds were approved with the Fiscal Year 2009 budget and he recommended the bid award to construct 10,000 linear feet of new sidewalk, curb and gutter. Comm. Wilkerson inquired if it was prudent to move forward on spending these funds in light of current economic conditions and if the funds should revert back to fund balance. DeFebbo responded that no funds were approved in the Fiscal Year 2010 budget for this project and that it was up to the Board to decide if it wanted to proceed to spend the existing funds. Mayor Walker asked for additional discussion, and with none, a roll call vote was taken.

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

Municipal Order No. 2009 - 142 was approved by majority vote.

MUNICIPAL ORDER NO. 2009 - 143

MUNICIPAL ORDER APPROVING USE OF CITY PROCUREMENT  
CARD FOR AIRLINE EXPENSES FOR MAYOR ELAINE N.  
WALKER TO ATTEND THE U.S. CONFERENCE OF MAYORS IN  
PROVIDENCE, RHODE ISLAND AND ACKNOWLEDGING  
IMMEDIATE REIMBURSEMENT OF THE AIRLINE CHARGES

Summary of Municipal Order No. 2009 - 143 was read by the Assistant City Manager/City Clerk. Motion was made by Hamilton and seconded by Denning for consideration of said Municipal Order. Mayor Walker stated that the money for the airline expense had already been reimbursed back to the City and that there was no cost to the City for this travel. City Attorney Gene Harmon responded to a question from Comm. Nash regarding the nature of the expense and the policy requiring approval related to expenses associated with legislative travel. Mayor Walker asked for additional discussion, and with none, a roll call vote was taken.

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

Municipal Order No. 2009 - 143 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2009 - 144

MUNICIPAL ORDER APPROVING THE APPOINTMENT OF  
BETTY CRAYTON TO THE BARREN RIVER AREA AGENCY  
COUNCIL ON AGING

Summary of Municipal Order No. 2009 - 144 was read by the Assistant City Manager/City Clerk. Motion was made by Wilkerson and seconded by Denning for consideration of said Municipal Order. Mayor Walker recommended the appointment and asked for discussion, and with none, a roll call vote was taken.

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

Voting Nay: None

Municipal Order No. 2009 - 144 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2009 – 145

MUNICIPAL ORDER APPROVING THE APPOINTMENT OF  
GEORGE MORRIS TO THE HISTORIC PRESERVATION BOARD

Summary of Municipal Order No. 2009 - 145 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 recommended the appointment and asked for discussion, and with none, a roll call vote was taken.

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

Voting Nay: None

Municipal Order No. 2009 - 145 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2009 – 146

MUNICIPAL ORDER APPROVING THE APPOINTMENT AND  
REAPPOINTMENT OF BRENDA CARVER TO THE HUMAN  
RIGHTS COMMISSION

Summary of Municipal Order No. 2009 - 146 was read by the Assistant City Manager/City Clerk. Motion was made by Hamilton and seconded by Wilkerson for consideration of said Municipal Order. Mayor Walker clarified the action to appoint Ms. Caver to fill an unexpired term which only had two months remaining and the recommendation to immediately reappoint Ms. Carver to a full-term. She asked for additional discussion, and with none, a roll call vote was taken.

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

Voting Nay: None

Municipal Order No. 2009 - 146 was approved by unanimous vote.

ORDINANCE NO. BG2009 – 21

(First Reading)

ORDINANCE CLOSING A PUBLIC RIGHT-OF-WAY

ORDINANCE APPROVING THE CLOSING OF A FIFTEEN FOOT  
ALLEY OFF OF PARK STREET NEAR 4<sup>TH</sup> AVENUE

Title and summary of Ordinance No. BG2009 - 21 was read by the Assistant City Manager/City Clerk. Motion was made by Wilkerson and seconded by Denning for first reading of said Ordinance. DeFebbo indicated the Board had previously requested the Planning Commission to proceed with closing this right-of-way since a parking lot had already been built across it by the Medical Center. Mayor Walker asked for additional discussion, and with none, a roll call vote was taken.

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

Voting Nay: None

First reading of Ordinance No. BG2009 - 21 was approved by unanimous vote.

ORDINANCE NO. BG2009 - 22  
(First Reading)  
ORDINANCE CLOSING A PUBLIC RIGHT-OF-WAY

ORDINANCE APPROVING THE CLOSING OF GRIDER STREET  
AND AN UNNAMED ALLEY LOCATED BETWEEN KENTUCKY  
AND CENTER STREETS, PARALLEL TO 2<sup>ND</sup> AND 3<sup>RD</sup> AVENUES

Title and summary of Ordinance No. BG2009 - 22 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 reviewed the request by DNB, Inc., an adjacent property owner, to close the right-of-way for use of the entire property. Mayor Walker asked for additional discussion, and with none, a roll call vote was taken.

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

First reading of Ordinance No. BG2009 - 22 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2009 - 147

MUNICIPAL ORDER ACCEPTING DONATION FROM ROEMER-  
ELROD TRUST FUND FOR THE HANDICAPPED TO PROVIDE  
SUPPLIES AND EQUIPMENT FOR CAMP HAPPY DAYS

Summary of Municipal Order No. 2009 - 147 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 acceptance of the donation and he expressed appreciation for the use of funds. Mayor Walker asked for additional discussion, and with none, a roll call vote was taken.

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

Municipal Order No. 2009 - 147 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2009 - 148

MUNICIPAL ORDER APPROVING AND AUTHORIZING THE  
MAYOR TO EXECUTE AN AMENDMENT TO GRANT  
AGREEMENT BETWEEN THE CITY OF BOWLING GREEN,  
BOWLING GREEN ENTERPRISE COMMUNITY, INC. AND THE  
UNITED STATES DEPARTMENT OF AGRICULTURE RURAL  
DEVELOPMENT

Summary of Municipal Order No. 2009 - 148 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 these funds provided for an eleventh year of the Enterprise Community program. Mayor Walker expressed appreciation for the unexpected funding and extension of the program for another year. Comm. Denning stated that a meeting of the Enterprise Community Board

of Directors was scheduled to discuss the best way to spend the money by December 31, 2009. Mayor Walker asked for additional discussion, and with none, a roll call vote was taken.

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

Municipal Order No. 2009 - 148 was approved by unanimous vote.

**ORDINANCE NO. BG2009 - 23**

**(First Reading)**

**ORDINANCE ANNEXING PROPERTY BY CONSENT**

**ORDINANCE ANNEXING PORTIONS OF LOTS 5 AND 7 OF PROPERTY LOCATED AT CHERRY FARMS SUBDIVISION, WITH PROPERTY PRESENTLY OWNED BY CHERRY PARK, LLC, AND SAID TERRITORY BEING CONTIGUOUS TO EXISTING CITY LIMITS**

Title and summary of Ordinance No. BG2009 - 23 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 reviewed the consent to annex and the recommendation for annexation. City-County Planning Commission Director Steve Hunter explained that the annexation was requested by the Planning Commission to accommodate an upcoming rezoning request and to provide that all of the property for rezoning be under the same jurisdictional entity. Mayor Walker asked for additional discussion, and with none, a roll call vote was taken.

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

First reading of Ordinance No. BG2009 - 23 was approved by unanimous vote.

**ORDINANCE NO. BG2009 - 24**

**(First Reading)**

**ORDINANCE RELATING TO BUDGET AMENDMENT**

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

Title and summary of Ordinance No. BG2009 - 24 was read by the Assistant City Manager/City Clerk. Motion was made by Nash and seconded by Hamilton for first reading of said Ordinance. DeFebbo reviewed the need to manage the operating budget and to make a few adjustments before closing out Fiscal Year 2009. Mayor Walker asked for additional discussion, and with none, a roll call vote was taken.

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

First reading of Ordinance No. BG2009 - 24 was approved by unanimous vote.

**CLOSED SESSION**

*(Minutes-Board of Commissioners-July 7, 2009)*

Following a brief recess to clear the Commission Chamber, the Board of Commissioners met at approximately 7:25 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 8:15 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 subject: downtown stormwater improvements.

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

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

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

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