

**MINUTES of REGULAR MEETING
of the BOARD of COMMISSIONERS
of the CITY of BOWLING GREEN, KENTUCKY
held APRIL 21, 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 April 21, 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 Brian "Slim" Nash, Commissioner Bruce Wilkerson, Commissioner Joe W. Denning, Commissioner Catherine Hamilton 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 two awards for improvements made to residential and non-residential property. The first award was given to Elaine and Dorian Walker for their property located at 1302 State Street and the second award was given to the Corvette Museum for its expansion located at 350 Corvette Drive. Elaine Walker accepted the residential award and Bob Hellmann accepted the commercial award on behalf of the Museum. Mr. Lackey also announced that the first "Cruise-In" on the Square event held April 4th was a success and raised over \$4,000.

Mayor Walker declared that the Bowling Green Hot Rods were finally here and that they had a very successful opening weekend.

CITY MANAGER

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

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

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

At the City Manager's request, Grants Manager Lisa Ryan provided an overview of the Stimulus Package funding restrictions and assurances under the program which include very specific regulations and reporting requirements for local governments to follow regarding the use of the money.

APPROVAL OF MINUTES

Minutes of Regular Meeting April 7, 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: Nash, Wilkerson, Denning, Hamilton and Walker
 Voting Nay: None

Motion to approve the minutes of the regular meeting of April 7, 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 - 74

MUNICIPAL ORDER AUTHORIZING THE SUBMISSION OF A GRANT APPLICATION TO THE U.S. DEPARTMENT OF JUSTICE, BUREAU OF JUSTICE ASSISTANCE, OFFICE OF JUSTICE PROGRAMS FOR RECOVERY ACT EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT (JAG) FUNDS IN THE AMOUNT OF \$305,258

MUNICIPAL ORDER NO. 2009 - 75

MUNICIPAL ORDER AUTHORIZING AN AMENDMENT TO THE FISCAL YEAR 2009 SECTION 5307 GRANT AGREEMENT FOR THE ACCEPTANCE OF THE AMERICAN RECOVERY AND REINVESTMENT ACT (ARRA) TRANSIT FUNDS IN THE AMOUNT OF \$1,140,000

MUNICIPAL ORDER NO. 2009 - 76

MUNICIPAL ORDER APPROVING THE REAPPOINTMENT OF LUCINDA FRANCIS ANDERSON TO THE UNIVERSITY DISTRICT REVIEW COMMITTEE

MUNICIPAL ORDER NO. 2009 - 77

MUNICIPAL ORDER APPROVING THE REAPPOINTMENTS OF CHARLES HAYS AND JEAN CHERRY TO THE BOWLING GREEN AUDIT COMMITTEE

MUNICIPAL ORDER NO. 2009 - 78

MUNICIPAL ORDER APPROVING THE APPOINTMENT OF SHAWN SINCLAIR TO THE HISTORIC PRESERVATION BOARD

MUNICIPAL ORDER NO. 2009 - 79

MUNICIPAL ORDER APPROVING THE APPOINTMENT OF BONNIE BERMAN TO THE BOWLING GREEN-WARREN COUNTY REGIONAL AIRPORT BOARD

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: Nash, Wilkerson, Denning, Hamilton and Walker
Voting Nay: None

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

REGULAR AGENDA

MUNICIPAL ORDER NO. 2009 - 80

MUNICIPAL ORDER APPROVING THE PROMOTION OF TIGRACE L. TOOLEY TO THE POSITION OF ADMINISTRATIVE ASSISTANT IN THE HUMAN RESOURCES AND RISK MANAGEMENT DEPARTMENT

Summary of Municipal Order No. 2009 - 80 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 indicated that a vacancy was established with a recent resignation due to relocation. He explained that the job opening was only advertised in-house in an effort to possibly reduce a backfill position. Acting Human Resources and Risk Management Director Michael Grubbs recommended the promotion and reviewed the qualifications. In response to a question from Comm. Wilkerson, Mr. DeFebbo noted that the position in the Public Works Department being vacated with this promotion was still under review. Mayor Walker asked for additional discussion, and with none, a roll call vote was taken.

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

Municipal Order No. 2009 - 80 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2009 - 81

MUNICIPAL ORDER AUTHORIZING THE SUBMISSION OF AN AREA DEVELOPMENT FUND (ADF) GRANT APPLICATION IN THE AMOUNT OF \$3,950 TO THE KENTUCKY DEPARTMENT OF LOCAL GOVERNMENT THROUGH THE BARREN RIVER AREA DEVELOPMENT DISTRICT

Summary of Municipal Order No. 2009 - 81 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 grant funding opportunity which rotated among Warren County and other municipalities within the jurisdiction. He explained that the funds would be used to purchase a compactor bit for Public Works and replace some worn out carpet at Police Headquarters and in City Hall. He also stated there was no dollar match required from the City. Mayor Walker asked for additional discussion, and with none, a roll call vote was taken.

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

Municipal Order No. 2009 - 81 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2009 - 82

MUNICIPAL ORDER APPROVING REVISIONS TO THE EMPLOYEE MEDICAL BENEFIT PLAN FOR EMPLOYEES OF THE CITY OF BOWLING GREEN

Summary of Municipal Order No. 2009 - 82 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 indicated one of the City's goals was to provide the best health insurance coverage at a minimal cost. He recommended the addition of an over-the-counter (OTC) drug to the City's health plan to save both the City and employees money. Mayor Walker asked for additional discussion, and with none, a roll call vote was taken.

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

Municipal Order No. 2009 - 82 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2009 - 83

MUNICIPAL ORDER AUTHORIZING AND ACCEPTING BID #2009-31 FOR PUBLIC SAFETY COMMUNICATION CONSOLE FURNITURE FROM WATSON FURNITURE GROUP, INC. OF POULSBO, WASHINGTON IN THE AMOUNT OF \$40,613

Summary of Municipal Order No. 2009 - 83 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 this purchase to furnish the Alternate 911 Center located at the Greenwood Fire Station. Police Chief Doug Hawkins reviewed the specialized furniture requirements for dispatchers and indicated that the Alternate 911 Center should be up and running in about four months. Mayor Walker asked for additional discussion, and with none, a roll call vote was taken.

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

Voting Nay: None
Municipal Order No. 2009 - 83 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2009 - 84

MUNICIPAL ORDER AUTHORIZING AND ACCEPTING BID #2009-33 FOR AUDIOLOG HARDWARE AND SOFTWARE FOR THE POLICE DEPARTMENT FROM SOUND COMMUNICATIONS, INC. OF GROVE CITY, OHIO IN THE AMOUNT OF \$28,376

Summary of Municipal Order No. 2009 - 84 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 recommended the bid award. Mayor Walker asked for additional discussion, and with none, a roll call vote was taken.

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

Municipal Order No. 2009 - 84 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2009 - 85

MUNICIPAL ORDER AUTHORIZING AND ACCEPTING BID #2009-36 FOR CONCRETE FROM IRVING MATERIALS, INC. OF BOWLING GREEN, KENTUCKY IN THE AMOUNT OF \$41,450

Summary of Municipal Order No. 2009 - 85 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 bid award. Mayor Walker asked for additional discussion, and with none, a roll call vote was taken.

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

Municipal Order No. 2009 - 85 was approved by unanimous vote.

ORDINANCE NO. BG2009 - 9

(First Reading)

ORDINANCE AMENDING ZONING ORDINANCE

ORDINANCE AMENDING THE TEXT OF THE ZONING ORDINANCE TO CONVERT 124 PARCELS FROM VARIOUS NON-PUBLIC ZONING CLASSIFICATIONS TO P (PUBLIC) AND CB (CENTRAL BUSINESS) FOR THE CITY OF BOWLING GREEN, KENTUCKY AS RECOMMENDED BY THE CITY-COUNTY PLANNING COMMISSION

Title and summary of Ordinance No. BG2009 - 9 was read by the Assistant City Manager/City Clerk. Motion was made by Denning and seconded by Hamilton for first reading of said Ordinance. DeFebbo indicated that this was a house-keeping item to properly zone properties owned by various public entities. Mayor Walker asked for additional discussion, and with none, a roll call vote was taken.

ROLL CALL: Voting Yea: Nash, Wilkerson, Denning, Hamilton and Walker
 Voting Nay: None
First reading of Ordinance No. BG2009 - 9 was approved by unanimous vote.

ORDINANCE NO. BG2009 – 10
(First Reading)
ORDINANCE RELATING TO BUDGET AMENDMENT

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

Title and summary of Ordinance No. BG2009 - 10 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 revisions to the Fiscal Year 2009 budget. Chief Financial Officer Jeff Meisel stated that the bulk of the amendments redirected funds to the Old Morgantown Road Improvement Project. Mayor Walker asked for additional discussion, and with none, a roll call vote was taken.

ROLL CALL: Voting Yea: Nash, Wilkerson, Denning, Hamilton and Walker
 Voting Nay: None
First reading of Ordinance No. BG2009 - 10 was approved by unanimous vote.

CLOSED SESSION

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) and (f) as previously approved.

RECONVENE IN OPEN SESSION

Once all discussion concluded in closed session, the Board of Commissioners reconvened in open session at approximately 8:04 p.m. to consider action. Motion was made by Nash and seconded by Wilkerson to add Municipal Order No. 2009 – 86 to the agenda for consideration. With no discussion, a roll call vote was taken.

ROLL CALL: Voting Yea: Nash, Wilkerson, Denning, Hamilton and Walker
 Voting Nay: None
Motion to add Municipal Order No. 2009 – 86 to the agenda was approved by unanimous vote.

MUNICIPAL ORDER NO. 2009 – 86

**MUNICIPAL ORDER APPROVING THE RECOMMENDATION OF
THE CITY MANAGER TO TERMINATE THE PROBATIONARY
EMPLOYMENT OF RICKY D. BIBB, LANDSCAPE GARDENER IN
THE PARKS AND RECREATION DEPARTMENT**

Summary of Municipal Order No. 2009 – 86 was read by the Assistant City Manager/City Clerk. Motion was made by Nash and seconded by Wilkerson 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: Nash, Wilkerson, Denning, Hamilton and Walker
 Voting Nay: None
Municipal Order No. 2009 - 86 was approved by unanimous vote.

ADJOURNMENT

There being no further business to come before the Board of Commissioners, at approximately 8:05 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) presentation of an on-line Geographic Information System (GIS) mapping application available to the public; 2) proposal for methane recovery (gas collection and flare system) from City landfills; 3) the Select Neighborhood Action Program (SNAP) grant funding past, present and future; and 4) revisions to work session protocol presented by the City Manager. There was consensus by the Board to allow the City Manager to develop a "request for proposals" (RFP) related to the landfill properties. The Board also provided consensus to allow the City Manager to implement his recommendations to revise the work session agenda format, which would establish an opportunity at the end of each work session for any Board member to bring up a policy issue and to determine if there is preliminary support to invest staff time in researching and/or redirecting that policy.

Other topics discussed include: a) a benefit concert sponsored by the Downtown Merchants Association for May 21st in Fountain Square Park and the proposed temporary closure of streets; b) a proposal to revise Chapters 21 (Streets and Sidewalks) and 27 (Property Code) of the City's Code of Ordinances related to set backs for temporary real estate signs; and c) a request from developers for use and/or sale of surplus City right-of-way property off Bale Boulevard for drainage purposes related to a new development. There was no objection voiced from the Board of Commissioners regarding the closing of Main Street and Park Row around Fountain Square Park for the benefit concert. Mayor Walker stated she was willing to sponsor the draft ordinance related to temporary signs for consideration on an upcoming agenda. There was also initial support voiced for the sale of surplus right-of-way under specified conditions to restrict the use of the property which would be further defined by the City Attorney in deed restrictions.

(Minutes-Board of Commissioners-April 21, 2009)

ADOPTED: _____

APPROVED: _____
Mayor, Chairman of Board of Commissioners

ATTEST: _____
City Clerk

Minutes prepared by Assistant City Manager/City Clerk Katie Schaller