

**MINUTES of REGULAR MEETING
of the BOARD of COMMISSIONERS
of the CITY of BOWLING GREEN, KENTUCKY
held NOVEMBER 15, 2005**

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 November 15, 2005. Mayor Elaine N. Walker called the meeting to order. An invocation was given by Commissioner Brian K. Strow, and all present recited the Pledge of Allegiance. City Clerk Katie Schaller called the roll, and the following members were present: Commissioner Mark D. Alcott, Commissioner Brian "Slim" Nash, Commissioner Delane Simpson, Commissioner Brian K. Strow and Mayor Elaine N. Walker. Absent: none. There was a full quorum of the Board of Commissioners.

PUBLIC COMMENTS

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

RECONGITIONS AND ANNOUNCEMENTS

Mayor Walker presented a "Key to the City" to Cystal Maston who was selected for the Kentucky Special Olympic National Team and will participate in Track and Field events at the 2006 Special Olympics National Games in Ames, Iowa. Assistant Parks and Recreation Director and Area 5 Special Olympics Volunteer Karen Singleton introduced Miss Maston who received a standing ovation from the audience.

Mayor Walker announced that Golf Course Operations Superintendent Tony Whitmer was selected as the 2005 recipient of the "Win Bunton II Turfgrass Man of the Year" which was awarded at the annual Kentucky Turfgrass Conference Banquet held at the Sloan Convention Center on October 26, 2005.

Mayor Walker introduced the incoming City Manager Kevin DeFebbo who was attending the meeting. She stated that he would officially begin work with the City on January 1, 2006.

CITY MANAGER

Interim City Manager Kenneth R. Thompson introduced each of the following presenters and had no other comments at this time.

Dr. John Parker, Project Director of The Kentucky Poll, presented the results of the Public Opinion Survey of Bowling Green, Kentucky which was conducted on October 21, 2005 regarding City services. Citizen Information and Assistance Director Michael Grubbs explained why the Citizen Survey Committee was not used this year to establish questions for the survey. He pointed out that in order to maintain comparable data, the questions should be consistent from survey to survey. Comm. Strow requested that a new question be added to the 2007 survey to determine the citizens' position regarding whether there should be more sidewalks. Dr. Parker responded that such a question would, in his opinion, provide an affirmative response and would most likely not need to be asked.

Larry Williams, CPA presented the results of a Finance Department management study conducted as a result of embezzlement by the former Chief Financial Officer Davis Cooper. Mr. Williams provided recommendations for improvements to internal controls regarding KVS computer software, collection of Insurance Premium Tax revenues, check deposits, data-entry access, security cameras, deletion of closed businesses from the accounting system, purchasing and expenditure system and internal auditor. He stated that a follow-up report would be provided at a later date regarding Finance organization, staffing, workload and duties. He also stated that Part II of his report would be discussed in closed session which would possibly give rise to litigation.

APPROVAL OF MINUTES

Minutes of Regular Meeting November 1, 2005 and Special Meetings November 1 and 3, 2005

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

ROLL CALL: Voting Yea: Alcott, Nash, Simpson, Strow and Walker
 Voting Nay: None

Motion to approve the minutes of the regular meeting of November 1, 2005 and special meetings of November 1 and 3, 2005 was approved by unanimous vote.

CHANGE ORDER OF AGENDA

Comm. Nash made a motion to change the order of the agenda to consider Municipal Order Nos. 2005 - 291, 2005 - 293, 2005 - 294, 2005 - 296 and 2005 - 297 regarding personnel promotions and appointments before all other items at this time. Motion was seconded by Alcott, and a roll call vote was taken.

ROLL CALL: Voting Yea: Alcott, Nash, Simpson, Strow and Walker
 Voting Nay: None

Motion to change the order of the agenda to consider items numbered 6, 8, 9, 11 and 12 at this time was approved by unanimous vote.

MUNICIPAL ORDER NO. 2005 - 291

MUNICIPAL ORDER APPROVING THE APPOINTMENT OF JIM BULLINGTON TO THE GREENWAYS COMMISSION OF BOWLING GREEN AND WARREN COUNTY

Summary of Municipal Order No. 2005 - 291 was read by City Clerk Katie Schaller. Motion was made by Alcott and seconded by Strow 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: Alcott, Nash, Simpson, Strow and Walker
 Voting Nay: None

Municipal Order No. 2005 - 291 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2005 - 293

MUNICIPAL ORDER APPROVING THE PROMOTION OF SHAWN LEE CARY TO THE POSITION OF LEAD EQUIPMENT OPERATOR FOR THE PUBLIC WORKS DEPARTMENT, OPERATIONS DIVISION

Summary of Municipal Order No. 2005 - 293 was read by the City Clerk. Human Resources Specialist Quenna Norris reviewed the position and qualifications for promotion. Motion was made by Simpson and seconded by Alcott 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: Alcott, Nash, Simpson, Strow and Walker
 Voting Nay: None

Municipal Order No. 2005 - 293 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2005 - 294

MUNICIPAL ORDER APPROVING THE PROMOTIONS OF GARY ALAN RICH TO THE POSITION OF ASSISTANT CHIEF, KEVIN DAVID WILES TO THE POSITION OF CAPTAIN, AND ANTON KAHLIL FLESHER TO THE POSITION OF SERGEANT IN THE POLICE DEPARTMENT

Summary of Municipal Order No. 2005 - 294 was read by the City Clerk. Ms. Norris explained the promotional testing process and recommendations for promotion. Motion was made by Simpson and seconded by Alcott 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: Alcott, Nash, Simpson, Strow and Walker
 Voting Nay: None

Municipal Order No. 2005 - 294 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2005 - 296

MUNICIPAL ORDER APPROVING THE PROBATIONARY APPOINTMENT OF VASHON SANCHEZ PRATHER TO THE POSITION OF OFFICE ASSOCIATE IN THE POLICE DEPARTMENT, RECORDS DIVISION

Summary of Municipal Order No. 2005 - 296 was read by the City Clerk. Ms. Norris reviewed the position and qualifications of the recommended applicant. Motion was made by Simpson and seconded by Nash 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: Alcott, Nash, Simpson, Strow and Walker
 Voting Nay: None

Municipal Order No. 2005 - 296 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2005 - 297

MUNICIPAL ORDER APPROVING THE APPOINTMENT OF
MITCHELL SCHOTT TO THE BOWLING GREEN COMMUNITY
TREE ADVISORY BOARD

Summary of Municipal Order No. 2005 - 297 was read by the City Clerk. Mayor Walker recommended the board appointment. Motion was made by Nash and seconded by Alcott 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: Alcott, Nash, Simpson, Strow and Walker

Voting Nay: None

Municipal Order No. 2005 - 297 was approved by unanimous vote.

RESUME REGULAR ORDER OF AGENDA

ORDINANCE NO. BG2005 - 47

(Second Reading)

ORDINANCE APPROVING LOCAL HISTORIC DESIGNATION OF A LANDMARK SITE

ORDINANCE APPROVING A LOCAL HISTORIC DESIGNATION
OF A LANDMARK SITE FOR PROPERTY LOCATED AT 1303
COLLEGE STREET

Title and summary of Ordinance No. BG2005 - 47 was read by the City Clerk. Motion was made by Strow 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: Alcott, Nash, Simpson, Strow and Walker

Voting Nay: None

Ordinance No. BG2005 - 47 was adopted by unanimous vote.

ORDINANCE NO. BG2005 - 48

(Second Reading)

ORDINANCE CLOSING A PUBLIC RIGHT-OF-WAY

ORDINANCE APPROVING THE CLOSING OF AN UNNAMED
RIGHT-OF-WAY LOCATED OFF OF PARKER AVENUE

Title and summary of Ordinance No. BG2005 - 48 was read by the City Clerk. Motion was made by Strow and seconded by Alcott for second reading of said Ordinance. Mayor Walker asked for discussion, and with none, a roll call vote was taken.

ROLL CALL: Voting Yea: Alcott, Nash, Simpson, Strow and Walker

Voting Nay: None

Ordinance No. BG2005 - 48 was adopted by unanimous vote.

MUNICIPAL ORDER NO. 2005 - 290

MUNICIPAL ORDER APPROVING AND AUTHORIZING REIMBURSEMENT OF OUT-OF-TOWN TRAVEL EXPENSES TO LOUISVILLE, KENTUCKY TO THOMPSON CONSULTING GROUP LLC FOR INTERIM CITY MANAGER KENNETH R. THOMPSON

Summary of Municipal Order No. 2005 - 290 was read by the City Clerk. Motion was made by Strow and seconded by Alcott 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: Alcott, Nash, Simpson, Strow and Walker
Voting Nay: None

Municipal Order No. 2005 - 290 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2005 - 259

MUNICIPAL ORDER ACCEPTING REVISIONS TO THE BOWLING GREEN POLICE POLICY AND PROCEDURE MANUAL, 2004 EDITION

Summary of Municipal Order No. 2005 - 259 was read by the City Clerk. Assistant Police Chief Quentin Hughes responded to an inquiry regarding the use of tasers in rainy conditions. Motion was made by Nash and seconded by Simpson 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: Alcott, Nash, Simpson, Strow and Walker
Voting Nay: None

Municipal Order No. 2005 - 259 was approved by unanimous vote.

NOTE: Municipal Order No. 2005 - 291 was previously considered.

MUNICIPAL ORDER NO. 2005 - 292

MUNICIPAL ORDER AUTHORIZING AND ACCEPTING BID #2006-20 FOR PLAYGROUND EQUIPMENT FROM PREMIER PLAYSCAPES, INC. OF SOMERSET, KENTUCKY IN THE AMOUNT OF \$47,156.16

Summary of Municipal Order No. 2005 - 292 was read by the City Clerk. Parks and Recreation Director Ernie Gouvas stated that the new playground equipment recommended for purchase would be placed at HP Thomas Park and The Crossings Subdivision Park. Upon request, Gouvas provided a status update regarding the implementation of the Dog Park at HP Thomas Park which was delayed due to redesign requests from the neighborhood and increased costs associated with the redesign. He indicated that fundraising efforts would be used to help reduce costs as well as utilizing a "community build" approach to the project. Motion was made by Alcott and seconded by Nash 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: Alcott, Nash, Simpson, Strow and Walker

Voting Nay: None

Municipal Order No. 2005 - 292 was approved by unanimous vote.

NOTE: Municipal Order Nos. 2005 – 293 and 294 were previously considered.

MUNICIPAL ORDER NO. 2005 – 295

MUNICIPAL ORDER AUTHORIZING AND ACCEPTING BID
#2006-13 FOR VEHICLES FROM VARIOUS VENDORS IN THE
TOTAL AMOUNT OF \$740,659.36

Summary of Municipal Order No. 2005 - 295 was read by the City Clerk. Public Works Director Emmett Wood and Fleet Manager Jon Lewis reviewed the bid evaluation methodology and criteria, bid specifications and recommended bid awards. They also responded to questions regarding reusable parts from older vehicles for repairs, primary maintenance problems with Impalas, fuel efficiency comparison between Impalas and Crown Victorias, available warranties, ability to perform in-house warranty repair for GM products, number of Impalas and Crown Victorias in the fleet and conformity of bids to specifications. Assistant Police Chief John Stewart presented the results of the Police Department Survey which was conducted to determine the Police Officers' preferences between the three types of vehicles available for police cruisers. He noted that Crown Victoria was the preferred vehicle by Police Officers.

Troy Campbell of Campbell Chevrolet stated that he had recently been notified by General Motors that the City has been granted the ability to perform cross-line warranty work on GM vehicles. Mr. Campbell disputed the figures presented by Mr. Wood and Mr. Lewis and indicated that from his own internal audit of City maintenance records he came up with different results.

Mayor Walker stated that she was not prepared to make a decision regarding this issue tonight. Comm. Alcott suggested that a closer look needed to be given to Countryside Ford for a possible bid award. Greg Hudson of Greenwood Ford cautioned the Board regarding Countryside's bid which did not include factory radios and would not be covered under warranty.

Comm. Simpson expressed concern about purchasing vehicles from Ohio. Mayor Walker requested that Interim City Manager Ken Thompson meet with Public Works staff to re-evaluate the process used to determine the recommended bid awards. Mr. Thompson agreed and suggested that the Board should consider the factual elements in making a determination, as those basic facts would not change. With additional materials to be examined by Board members, motion was made by Nash and seconded by Alcott to table Municipal Order No. 2005 – 295 until the December 6, 2005 meeting. With no additional discussion, a roll call vote was taken.

ROLL CALL: Voting Yea: Alcott, Nash, Strow and Walker

Voting Nay: Simpson

Motion to table Municipal Order No. 2005 - 295 until the December 6, 2005 Board of Commissioners meeting was approved by majority vote. Comm. Nash added that if the item was not ready to be re-filed for consideration at the December 6, 2005 meeting, then he would like a status update under the City Manager comments.

NOTE: Municipal Order Nos. 2005 – 296 and 297 were previously considered.

MUNICIPAL ORDER NO. 2005 - 298

MUNICIPAL ORDER APPROVING THE EXTENSION OF AN AGREEMENT WITH PAINTER VIDEOGRAPHICS RELATED TO PRODUCTION OF SPOTLIGHT ON BOWLING GREEN INFORMATIONAL PROGRAMMING

Summary of Municipal Order No. 2005 - 298 was read by the City Clerk. Citizen Information and Assistance Director Michael Grubbs reviewed the Spotlight programming, the previous year's bid process and bid award for a three-year contract, results of a survey of those who had been interviewed by Painter in its 2005 programs and the recommendation to continue the existing contract for another year. Mayor Walker expressed concern about the production quality, questioned the bid evaluation process and suggested that the City should consult with someone experienced with television production in the bid review process. Comm. Alcott, Comm. Strow and Comm. Nash deferred to the Mayor's expertise on the issue. Motion was made by Simpson and seconded by Strow 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: Simpson
 Voting Nay: Alcott, Nash, Strow and Walker
Municipal Order No. 2005 - 298 was defeated by majority vote.

CLOSED SESSION

City Clerk Katie Schaller read the purpose of a closed session for discussion of proposed litigation on behalf of the City. Motion was made by Alcott and seconded by Simpson 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: Alcott, Nash, Simpson, Strow and Walker
 Voting Nay: None

Motion to convene in closed session pursuant to KRS 61.810 (c) was approved by unanimous vote. Following a brief recess to clear the Chamber, the Board met in closed session.

RECONVENE IN OPEN SESSION

Once all discussion concluded in closed session, the Board of Commissioners, with the exception of Comm. Alcott, reconvened in open session for consideration of action. Motion was made by Nash and seconded by Simpson to add Municipal Order No. 2005 - 299 to the agenda for consideration. Walker called for roll call vote.

ROLL CALL: Voting Yea: Nash, Simpson, Strow and Walker
 Voting Nay: None

Motion to add Municipal Order No. 2005 - 299 to the agenda was approved by unanimous vote.

MUNICIPAL ORDER NO. 2005 - 299

MUNICIPAL ORDER APPROVING AND AUTHORIZING EXECUTION OF AN ENGAGEMENT LETTER WITH STURGILL,

TURNER, BARKER & MOLONEY, PLLC FOR LEGAL SERVICES
TO THE CITY OF BOWLING GREEN RELATED TO
INVESTIGATION AND PURSUIT OF POSSIBLE CAUSES OF
ACTION TO RECOVER DAMAGES RESULTING FROM
EMBEZZLEMENT BY DAVIS COOPER

Summary of Municipal Order No. 2005 - 299 was read by the City Clerk. Motion was made by Nash and seconded by Strow for consideration of said Municipal Order. Mayor Walker asked for discussion, and with none, a roll call vote was taken.

ROLL CALL: Voting Yea: Nash, Simpson, Strow and Walker

Voting Nay: None

Municipal Order No. 2005 - 299 was approved by unanimous vote.

ADJOURNMENT

There being no further business to come before the Board of Commissioners, at approximately 11:40 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: results of Bowling Green Municipal Utilities' (BGMU) Feasibility Study for Fiber to the Home (FTTH) Network.

ADOPTED: _____

APPROVED: _____
Mayor, Chairman of Board of Commissioners

ATTEST: _____
City Clerk

Minutes prepared by City Clerk Katie Schaller