

**MINUTES of REGULAR MEETING
of the BOARD of COMMISSIONERS
of the CITY of BOWLING GREEN, KENTUCKY
held JUNE 1, 2010**

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 1, 2010. Mayor Elaine N. Walker called the meeting to order. An invocation was given by Rev. Richard Suggs, Minister of Music for First Baptist 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 had no comments at this time.

APPROVAL OF MINUTES

Minutes of Regular Meeting May 18, 2010

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

Motion to approve the minutes of the regular meeting of May 18, 2010 was approved by unanimous vote.

PUBLIC COMMENTS

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

**ORDINANCE NO. BG2010 - 14
(Second Reading)
ORDINANCE REZONING REAL ESTATE**

ORDINANCE REZONING A TRACT OF LAND CONTAINING
7.6768 ACRES FROM LI (LIGHT INDUSTRIAL) TO RM-4 (MULTI-
FAMILY RESIDENTIAL) LOCATED AT 2456 RUSSELLVILLE
ROAD, WITH BINDING ELEMENTS, PRESENTLY OWNED BY
WAYNE AND ELVA OVERHOLT

Title and summary of Ordinance No. BG2010 - 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. Comm. Nash inquired about the spur road located off the circle road identified in the development and whether that would be a public street. Comm. Wilkerson responded that at the previous meeting the City-County Planning Commission Director Steve Hunter had indicated that it

was necessary in order to access the back portion of the development. 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

Ordinance No. BG2010 - 14 was adopted by unanimous vote.

ORDINANCE NO. BG2010 - 15
(Second Reading)
ORDINANCE REZONING REAL ESTATE

ORDINANCE REZONING A TRACT OF LAND CONTAINING 0.3472 ACRES FROM RS-1A (SINGLE FAMILY RESIDENTIAL) TO RS-1D (SINGLE FAMILY RESIDENTIAL) LOCATED AT 1824 NORMAL STREET, WITH BINDING ELEMENTS, PRESENTLY OWNED BY ANDREW AND MEREDITH KOON

Title and summary of Ordinance No. BG2010 - 15 was read by the Assistant City Manager/City Clerk. Motion was made by Denning 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: Denning, Hamilton, Nash, Wilkerson and Walker
Voting Nay: None

Ordinance No. BG2010 - 15 was adopted by unanimous vote.

MUNICIPAL ORDER NO. 2010 - 91

MUNICIPAL ORDER APPROVING THE PROBATIONARY APPOINTMENTS OF JESSICA JONES AND D. NEAL LLOYD TO THE POSITION OF CUSTODIAN IN THE PARKS AND RECREATION DEPARTMENT

Summary of Municipal Order No. 2010 - 91 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 that there were currently three openings for custodian and two of those positions were recommended to be filled at this time. 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. 2010 - 91 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2010 - 92

MUNICIPAL ORDER AUTHORIZING THE CONTINUATION OF A CONTRACT WITH MOUNTJOY CHILTON MEDLEY, PLC (FORMERLY MOUNTJOY & BRESSLER, LLP) TO PROVIDE EXTERNAL AUDIT SERVICES FOR AN ADDITIONAL YEAR

Summary of Municipal Order No. 2010 - 92 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 the Audit Committee recommended the continuation of the agreement for external audit services. He noted this would be the second of a five year bid award and new principles from Mountjoy would be assigned to perform this year's audit. Mayor Walker commented about the extra sets of eyes the Audit Committee members bring to the review process. 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. 2010 - 92 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2010 - 93

**MUNICIPAL ORDER APPROVING A CONTRACT THROUGH
NONCOMPETITIVE NEGOTIATIONS WITH FISHER SCIENTIFIC,
INC. OF CHICAGO, ILLINOIS UNDER THE GSA CONTRACT FOR
THE PURCHASE OF PERSONAL PROTECTIVE EQUIPMENT IN
THE TOTAL AMOUNT OF \$76,996.72**

Summary of Municipal Order No. 2010 - 93 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 purchase of turnout gear for the Fire Department. 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. 2010 - 93 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2010 - 94

**MUNICIPAL ORDER APPROVING TRAVEL EXPENSES FOR
MAYOR ELAINE N. WALKER TO ATTEND THE U.S.
CONFERENCE OF MAYORS DELEGATION IN BEIJING, CHINA**

Summary of Municipal Order No. 2010 - 94 was read by the Assistant City Manager/City Clerk. Motion was made by Denning and seconded by Hamilton for consideration of said Municipal Order. Mayor Walker indicated that the majority of the travel was covered by the U.S. Conference of Mayors and she requested support to approve the additional expenses related to transportation and Visa photo. She asked for additional discussion, and with none, a roll call vote was taken.

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

Municipal Order No. 2010 - 94 was approved by majority vote.

ORDINANCE NO. BG2010 - 16

(First Reading)

ORDINANCE CLOSING A PUBLIC RIGHT-OF-WAY

**ORDINANCE APPROVING THE CLOSING OF A PORTION OF AN
ALLEY OFF OF 5TH AVENUE NEAR HIGH STREET**

Title and summary of Ordinance No. BG2010 - 16 was read by the Assistant City Manager/City Clerk. Motion was made by Denning and seconded by Wilkerson for first reading of said Ordinance. DeFebbo stated that City-County Planning Commission Director Steve Hunter was attending a Comprehensive Plan meeting and was unable to be here. He provided an overview of the recommended rezoning. 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. BG2010 - 16 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2010 - 95

MUNICIPAL ORDER APPROVING AGREEMENT WITH
COMMUNITY VENTURES CORPORATION (CVC) FOR THE CVC
BOWLING GREEN MICROENTERPRISE DEVELOPMENT
PROGRAM

Summary of Municipal Order No. 2010 - 95 was read by the Assistant City Manager/City Clerk. Motion was made by Wilkerson and seconded by Hamilton for consideration of said Municipal Order. In an oversight from last fall, DeFebbo explained this agreement was for funding from the Year 6 Annual Action Plan of the Community Development Block Grant entitlement program. He further explained that the CVC Program would provide assistance for up to fifteen individuals. 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. 2010 - 95 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2010 - 96

MUNICIPAL ORDER APPROVING A CONTRACT WITH
COMMUNITY ACTION OF SOUTHERN KENTUCKY, INC.
(CASKY) FOR TRANSPORTATION SERVICES FOR FISCAL YEAR
2011

Summary of Municipal Order No. 2010 - 96 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 extension of the public transit contract which was tied to Section 5307 funding from the Federal Transit Administration. In response to a question about additional funding brought in by CASKY over the past year, Community Action of Southern Kentucky Executive Direct Cheryl Allen reported that approximately \$1.41 million in stimulus money for capital improvements and another \$500,000 for operation funds was received. She also noted that ridership was up 15% from last year. 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. 2010 - 96 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2010 - 97

MUNICIPAL ORDER AUTHORIZING THE SUBMISSION OF AN APPLICATION FOR FEDERAL VICTIMS OF CRIME ACT (VOCA) GRANT FUNDS THROUGH THE COMMONWEALTH OF KENTUCKY JUSTICE CABINET FOR THE PARTIAL FUNDING OF A VICTIM ADVOCATE POSITION FOR THE POLICE DEPARTMENT IN THE AMOUNT OF \$35,970

Summary of Municipal Order No. 2010 - 97 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 and recommended submission of the grant application. Mayor Walker commended the work of Victim Advocate April Fulcher. 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. 2010 - 97 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2010 - 98

MUNICIPAL ORDER AUTHORIZING THE SUBMISSION OF AN APPLICATION FOR HOMELAND SECURITY GRANT FUNDS THROUGH THE KENTUCKY OFFICE OF HOMELAND SECURITY FOR THE PURCHASE OF MOBILE RADIOS FOR THE POLICE DEPARTMENT IN THE AMOUNT OF \$339,549

Summary of Municipal Order No. 2010 - 98 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 was transitioning from analogue radios to digital. He explained the grant funds, if received, would be used to purchase new and upgrade existing digital radios for public safety. 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. 2010 - 98 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2010 - 99

MUNICIPAL ORDER AUTHORIZING THE SUBMISSION OF A GRANT APPLICATION TO THE U.S. DEPARTMENT OF JUSTICE, BUREAU OF JUSTICE ASSISTANCE, FOR THE PURCHASE OF THIRTY-SIX (36) BULLETPROOF VESTS FOR THE POLICE DEPARTMENT IN THE AMOUNT UP TO \$25,020

Summary of Municipal Order No. 2010 - 99 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 indicated that the longevity of bullet resistant vests was approximately five years. He recommended approval of the grant submission which would reimburse the City for a portion of

the cost to replace the vests. 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. 2010 - 99 was approved by unanimous vote.

CHANGE ORDER OF AGENDA

Mr. DeFebbo requested a change in the order of the agenda to consider item number 13 (Municipal Order No. 102) at this time. There were no objections voiced from the Board.

MUNICIPAL ORDER NO. 2010 – 102

MUNICIPAL ORDER DECLARING PROPERTY LOCATED AT 600 STATE STREET SURPLUS AND APPROVING AND AUTHORIZING EXECUTION OF PROPERTY CONVEYANCE AND USE AGREEMENT WITH SELECT, INC. AND FURTHER AUTHORIZING EXECUTION OF DEED AND OTHER APPROPRIATE DOCUMENTS

Summary of Municipal Order No. 2010 - 102 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 stated this item was discussed at the May 18th work session. He expressed appreciation for everyone's assistance with making this development come to fruition. Mayor Walker commented that the project had received a positive editorial in the newspaper. She asked for additional discussion, and with none, a roll call vote was taken.

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

Municipal Order No. 2010 - 102 was approved by majority vote. Comm. Wilkerson abstained since he had a business relationship with Tim and Linda Leigh, the principal parties of Select, Inc.

MUNICIPAL ORDER NO. 2010 – 100

MUNICIPAL ORDER APPROVING AMENDMENT TO TRAFFIC FEATURE MAP RELATED TO THE INSTALLATION OF FOUR WAY STOP SIGNS AT THE INTERSECTION OF SCOTT WAY AND WEBB DRIVE

Summary of Municipal Order No. 2010 - 100 was read by the Assistant City Manager/City Clerk. Motion was made by Nash and seconded by Walker for consideration of said Municipal Order. DeFebbo recapped that an alternative staff proposal (Municipal Order No. 2010 – 90) to this amendment was discussed and approved at the previous meeting. This specific amendment was being presented in its original form by the requesting party at the behest of the Board.

Assistant City Engineer Melissa Cansler provided an overview of the request from the School District to change the intersection from a two-way stop to a four-way stop and the alternative solution to install school crossing and crosswalk signage, which signage had been installed following the last

meeting. She explained if this item was approved, then the signage would be removed for use in another location.

Mayor Walker inquired if there would be any added benefit with the installation of rumble strips to help alert drivers as they approach the crosswalks. Ms. Cansler responded that it certainly would not hurt the situation.

At the request of Comm. Wilkerson, Ms. Cansler reviewed the staff recommendation which did not support the installation of a four-way stop. She also responded to questions about the likelihood of drivers running the stop signs and the substitution of adding the crosswalk signs, which studies proved was the preferred solution. Once all discussion ended, a roll call vote was taken.

ROLL CALL: Voting Yea: Nash
 Voting Nay: Denning, Hamilton, Wilkerson and Walker
Municipal Order No. 2010 - 100 was defeated by majority vote.

MUNICIPAL ORDER NO. 2010 - 101

**MUNICIPAL ORDER APPROVING AMENDMENT TO TRAFFIC
FEATURE MAP RELATED TO THE EXTENSION OF THE
EXISTING YELLOW CURB PAINTING ALONG THE EAST SIDE
OF THE NORTH LEG OF WEBB DRIVE AT ITS INTERSECTION
WITH SCOTT WAY**

Summary of Municipal Order No. 2010 - 101 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 explained this item was brought forward at Comm. Denning's request during discussions at the last meeting about Municipal Order No. 2010-90 relating to the intersection.

Assistant City Engineer Melissa Cansler provided an overview of the request to extend the restriction for no parking further up the street from the intersection to address a sight distance concern from the corner. She noted that the current conditions met minimum criteria standards, however, three alternatives were proposed to enhance the current parking restrictions. Ms. Cansler described each of the proposed options to extend the yellow paint: 1) 150 feet - compromise to improve the sight distance; 2) 250 feet - based on emergency stop guidelines; or 3) 390 feet - based on current design guidelines.

Comm. Denning remarked that he thought the third option (390 feet) was drastic. He said that there was a problem seeing past a couple of vehicles that regularly parked on the street. He agreed that 150 feet was adequate. With no further discussion, a roll call vote was taken.

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

Municipal Order No. 2010 - 101 was approved by unanimous vote to extend the yellow painted curbing by 150 feet.

NOTE: Municipal Order No. 2010 - 102 was previously considered.

MUNICIPAL ORDER NO. 2010 – 103

MUNICIPAL ORDER APPROVING ANNUAL BUDGET FOR
WARREN COUNTY DOWNTOWN ECONOMIC DEVELOPMENT
AUTHORITY, INC.

Summary of Municipal Order No. 2010 - 103 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 identified that in an agreement the City entered with the Warren County Downtown Economic Development Authority (Authority), the Authority was required to provide its annual budget to the City for approval. Authority member Chuck Coates, in the absence of the Authority Chairperson Mary Cohron, reviewed the proposed budget. He specified that the Authority was not requesting any other assistance from the City aside from the debt payment on the ballpark bonds. Mr. Coates also remarked that the Authority planned to come back later in June with an application for the development of Block 12.

Comm. Denning and Mayor Walker both had several questions about the Authority's budget, including the Authority's debt obligations, the developments for Blocks 6, 8 and 12, the use of New Market Tax Credits, the source of interest income, the ballpark lease payments, ownership and leveraging of the ballpark, and the master developer fees. Mr. Coates responded to the questions that he could and stated he would take the other questions back to the Authority to obtain answers for the City.

Chief Financial Officer Jeff Meisel suggested a more in-depth review of the New Market Tax Credit structure to obtain a better understanding of its use. Mayor Walker agreed that was a good idea. She reiterated that she was uncomfortable with the uncertainty of all the information. Mr. DeFebbo also agreed that it might be helpful to have someone come in who could explain the "connective tissue" of all the ins and outs of the use of New Market Tax Credits. With the complexity of all the details, Mr. Coates suggested the Board could conduct a work session to review all the documents already approved as well.

Comm. Denning made a motion, seconded by Mayor Walker, to table Municipal Order No. 2010 – 103 to provide time for the Authority to respond to questions about the budget. With no discussion, a roll call vote was taken.

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

Motion to table Municipal Order No. 2010 – 103 was defeated by majority vote.

With no other discussion, a roll call vote was taken to approve the Municipal Order.

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

Municipal Order No. 2010 - 103 was approved by majority vote.

ADJOURNMENT

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 convened at 4:00 p.m. in the Commission Chamber of City Hall for a regular work session to discuss the City of Bowling Green's Annual Operating Budget for Fiscal Year 2010/2011 as recommended by the City Manager, including projected revenues and expenditures, Capital Improvement Projects and Agency funding.

ADOPTED: _____

APPROVED: _____
Mayor, Chairman of Board of Commissioners

ATTEST: _____
City Clerk

Minutes prepared by Assistant City Manager/City Clerk Katie Schaller