

**MINUTES of REGULAR MEETING
of the BOARD of COMMISSIONERS
of the CITY of BOWLING GREEN, KENTUCKY
held MARCH 3, 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 March 3, 2009. Mayor Elaine N. Walker called the meeting to order. An invocation was given by Rev. John Beach of 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 Bruce Wilkerson, Commissioner Joe W. Denning, Commissioner Catherine Hamilton, Commissioner Brian "Slim" Nash 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 of proposed litigation on behalf of the City and pending litigation against 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 (c). Walker called for roll call vote.

ROLL CALL: Voting Yea: Wilkerson, Denning, Hamilton, Nash 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 would be no action expected to come out of the closed session.

APPROVAL OF MINUTES

Minutes of Regular Meeting February 17, 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: Wilkerson, Denning, Hamilton, Nash and Walker
 Voting Nay: None

Motion to approve the minutes of the regular meeting of February 17, 2009 was approved by unanimous vote.

PUBLIC COMMENTS

Henry Thompson of 1213 Shawnee Way requested the Board of Commissioners provide an accounting of the street closure for Navajo Drive. He asked that the road be temporarily reopened for 30 days to conduct a traffic count before the permanent closure was completed. Mr. Thompson remarked that the City had spent a bunch of money installing traffic calming devices and constructing two new roads without following through to know if the expenditures were justified.

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 – 38

MUNICIPAL ORDER APPROVING THE APPOINTMENT OF TIM R. KNIPP TO THE BOWLING GREEN AREA CONVENTION AND VISITORS BUREAU

MUNICIPAL ORDER NO. 2009 – 39

MUNICIPAL ORDER CREATING A CITIZEN REVIEW COMMITTEE AS SET OUT IN THE APPROVED COMMUNITY DEVELOPMENT BLOCK GRANT FIVE YEAR CONSOLIDATED PLAN AND APPROVING APPOINTEES TO THE COMMITTEE

MUNICIPAL ORDER NO. 2009 – 40

MUNICIPAL ORDER ACCEPTING AND RATIFYING ACTIONS OF CITY OFFICIALS IN EXECUTING GRANT AGREEMENT AMONG THE BOWLING GREEN-WARREN COUNTY AIRPORT BOARD, THE CITY OF BOWLING GREEN, WARREN COUNTY AND THE FEDERAL AVIATION ADMINISTRATION RELATED TO AIRPORT LAYOUT PLAN UPDATE AND TAXIWAY LIGHTING RENOVATION (PHASE 2)

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

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

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

REGULAR AGENDA

ORDINANCE NO. BG2009 – 6

(Second Reading)

ORDINANCE RELATING TO BUDGET AMENDMENT

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

Title and summary of Ordinance No. BG2009 - 6 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: Wilkerson, Denning, Hamilton, Nash and Walker
 Voting Nay: None

Ordinance No. BG2009 - 6 was adopted by unanimous vote.

ORDINANCE NO. BG2009 - 7

(Second Reading)

ORDINANCE PROVIDING FOR THE ISSUANCE OF GENERAL OBLIGATION BONDS

AN ORDINANCE OF THE CITY OF BOWLING GREEN, KENTUCKY AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION PUBLIC PROJECT REFUNDING BONDS, SERIES 2009 IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$16,500,000 FOR THE PURPOSE OF REFUNDING ALL OR A PORTION OF THE OUTSTANDING (I) CITY OF BOWLING GREEN MUNICIPAL PROJECTS CORPORATION LEASE REVENUE BONDS, SERIES 1995, (II) CITY OF BOWLING GREEN, KENTUCKY GENERAL OBLIGATION BONDS, 1998 SERIES A AND (III) CITY OF BOWLING GREEN, KENTUCKY GENERAL OBLIGATION BONDS, SERIES 2000, THE PROCEEDS OF WHICH IN TURN FINANCED THE COSTS OF THE ACQUISITION, CONSTRUCTION AND INSTALLATION OF PUBLIC PROJECTS IN THE CITY OF BOWLING GREEN, KENTUCKY; APPROVING THE FORM OF BONDS; AUTHORIZING DESIGNATED OFFICERS TO EXECUTE AND DELIVER THE BONDS; AUTHORIZING AND DIRECTING THE FILING OF NOTICE WITH THE STATE LOCAL DEBT OFFICER; PROVIDING FOR THE PAYMENT AND SECURITY OF THE BONDS; CREATING A BOND PAYMENT FUND; AUTHORIZING ACCEPTANCE OF THE BID OF THE BOND PURCHASER FOR THE PURCHASE OF THE BONDS FOLLOWING THE ADVERTISED SALE OF THE BONDS; AND REPEALING INCONSISTENT ORDINANCES

Title and summary of Ordinance No. BG2009 - 7 was read by the Assistant City Manager/City Clerk. Motion was made by Wilkerson 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: Wilkerson, Denning, Hamilton, Nash and Walker
 Voting Nay: None

Ordinance No. BG2009 - 7 was adopted by unanimous vote.

MUNICIPAL ORDER NO. 2009 - 35

MUNICIPAL ORDER APPROVING THE ADVERTISEMENT FOR BIDS AND DISTRIBUTION OF A PRELIMINARY OFFICIAL STATEMENT FOR THE PURCHASE OF CITY OF BOWLING GREEN, KENTUCKY GENERAL OBLIGATION PUBLIC PROJECT

REFUNDING BONDS, SERIES 2009 IN AN AGGREGATE
PRINCIPAL AMOUNT NOT TO EXCEED \$16,500,000

Summary of Municipal Order No. 2009 - 35 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 approval of this item which would allow for public bid to refinance existing debt and provide approximately \$100,000 a year in savings over the next ten years. Mayor Walker asked for additional discussion, and with none, a roll call vote was taken.

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

Municipal Order No. 2009 - 35 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2009 - 41

MUNICIPAL ORDER APPROVING THE PROMOTIONS OF
MICKEY B. GOODMAN AND JORDAN M. STICE TO THE
POSITION OF EQUIPMENT TECHNICIAN - MASTER IN THE
PUBLIC WORKS DEPARTMENT, FLEET DIVISION

Summary of Municipal Order No. 2009 - 41 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 explained the ability for a promotional ladder in several departments with securing requisite education and certifications. Public Works Director Emmett Wood recommended the two promotions and reviewed the levels of achievement. Mayor Walker asked for additional discussion, and with none, a roll call vote was taken.

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

Municipal Order No. 2009 - 41 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2009 - 42

MUNICIPAL ORDER AUTHORIZING AND ACCEPTING BID
#2009-29 FOR CHEMICALS AND FERTILIZERS FOR THE PARKS
AND RECREATION DEPARTMENT, GOLF DIVISION FROM
VARIOUS VENDORS IN THE TOTAL AMOUNT NOT TO EXCEED
\$173,039.40

Summary of Municipal Order No. 2009 - 42 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 bid award which would allow prices to remain stable over the next year. Mayor Walker asked for additional discussion, and with none, a roll call vote was taken.

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

Municipal Order No. 2009 - 42 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2009 - 43

MUNICIPAL ORDER AUTHORIZING AND ACCEPTING BID #2009-26 FOR THE RIVERFRONT PARK-WELDON PEETE PARK GREENWAYS CONNECTOR PHASE II FROM SCOTT & MURPHY, INC. OF BOWLING GREEN, KENTUCKY IN THE AMOUNT OF \$109,778.77

Summary of Municipal Order No. 2009 - 43 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 mentioned that this item and the next were both discussed during the work session. Mayor Walker asked for additional discussion, and with none, a roll call vote was taken.

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

Municipal Order No. 2009 - 43 was approved by majority vote. Comm. Denning abstained since he was employed by Scott & Murphy, Inc.

MUNICIPAL ORDER NO. 2009 - 44

MUNICIPAL ORDER AUTHORIZING AND ACCEPTING BID #2009-22 FOR THE WEST CAMPUS GREENWAYS CONNECTOR PHASE II FROM SCOTTY'S CONTRACTING AND STONE, LLC OF BOWLING GREEN, KENTUCKY IN THE AMOUNT OF \$235,575.74

Summary of Municipal Order No. 2009 - 44 was read by the Assistant City Manager/City Clerk. Motion was made by Wilkerson 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: Wilkerson, Denning, Hamilton, Nash and Walker
 Voting Nay: None

Municipal Order No. 2009 - 44 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2009 - 45

MUNICIPAL ORDER AUTHORIZING AND ACCEPTING BID #2009-24 FOR GREENWOOD FIRE STATION EXERCISE EQUIPMENT FROM FITNESS SYSTEMS, INC. OF BRENTWOOD, TENNESSEE IN THE AMOUNT OF \$30,003

Summary of Municipal Order No. 2009 - 45 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 approval to purchase fitness equipment for the new Greenwood Fire Station. Mayor Walker asked for additional discussion, and with none, a roll call vote was taken.

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

Municipal Order No. 2009 - 45 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2009 - 46

MUNICIPAL ORDER APPROVING AND AUTHORIZING OUT-OF-TOWN TRAVEL EXPENSES FOR MAYOR ELAINE N. WALKER TO ATTEND THE KENTUCKY LEAGUE OF CITIES CITY NIGHT AND KET INTERVIEW IN LEXINGTON, KENTUCKY

Summary of Municipal Order No. 2009 - 46 was read by the Assistant City Manager/City Clerk. Motion was made by Denning and seconded by Wilkerson for consideration of said Municipal Order. Mayor Walker asked for discussion, and with none, a roll call vote was taken.

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

Municipal Order No. 2009 - 46 was approved by majority vote.

MUNICIPAL ORDER NO. 2009 - 47

MUNICIPAL ORDER AUTHORIZING THE CONTINUATION OF A CONTRACT WITH US BANK TO PROVIDE BANKING SERVICES FOR AN ADDITIONAL YEAR

Summary of Municipal Order No. 2009 - 47 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 stated that the banking services were bid out last year and the contract included an option to renew the services for four additional years.

Comm. Nash stated he did not support this action because, in his opinion, banking mistakes were still being made. He expressed concern with sending the wrong message about how mistakes were being handled by continuing to accept them. Comm. Nash cited recent financial issues regarding one of the City's contract agencies which also did banking at US Bank.

Chief Financial Officer Jeff Meisel explained the bidding and evaluation process which took place last year and that it was not reasonable to bid these services every year. He also noted that based on revenue earnings, US Bank provided the best bid. He recommended the continuation of services for another year as an objective business decision. He also confirmed that to his knowledge, the City was not seeing any continued errors and that the Finance Department was satisfied with the bank's customer service. With no further discussion, a roll call vote was taken.

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

Municipal Order No. 2009 - 47 was approved by majority vote.

MUNICIPAL ORDER NO. 2009 - 48

MUNICIPAL ORDER APPROVING CONSTRUCTION AND
ACCEPTING MAINTENANCE OF VARIOUS STREETS IN
GREYSTONE SUBDIVISION, SECTION SIX AND SECTION SEVEN

Summary of Municipal Order No. 2009 - 48 was read by the Assistant City Manager/City Clerk. Motion was made by Denning and seconded by Hamilton for consideration of said Municipal Order. DeFebbo indicated that it was a matter of protocol for the City to accept maintenance of certain streets once they were constructed. Mayor Walker asked for additional discussion, and with none, a roll call vote was taken.

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

Municipal Order No. 2009 – 48 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) 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 7:30 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 results of a customer service survey of the Public Works Department, Engineering Division and Housing and Community Development Department, Building Division presented by Dr. Victoria Gordon of the Center for Local Government; 2) an update of Greenways projects presented by the City-County Planning Commission Greenways Coordinator Josh Moore; and 3) the City-County Planning and Zoning Liaison Committee. Mayor Walker asked City Attorney Gene Harmon to determine if the Planning and Zoning Liaison Committee needed to be a joint entity since there were two different actions taken, one by the County which established a County only committee and one by the City which established a joint body.

Also, there were three other topics added to the work session agenda for discussion: 1) a proposal to upgrade the sound system in the Commission Chamber; 2) the letters being sent to notify contract agencies of an expected reduction of funding for Fiscal Year 2010 and to notify competitive agencies that the City would not be accepting applications through the Fiscal Year 2010 annual budget process; and 3) the American Reinvestment Recovery Act and the Energy Efficiency and Conservation Block Grant. Although, Board members did not like the idea of not being able to fund certain agencies next fiscal year, they agreed that it was better to notify them now so they did not get their hopes up. Mr. DeFebbo confirmed that once the City's operating budget was approved if there was any available money left over, an application process for competitive agencies could be conducted in the fall.

(Minutes-Board of Commissioners-March 3, 2009)

ADOPTED: _____

APPROVED: _____
Mayor, Chairman of Board of Commissioners

ATTEST: _____
City Clerk

Minutes prepared by Assistant City Manager/City Clerk Katie Schaller