

**MINUTES of REGULAR MEETING  
of the BOARD of COMMISSIONERS  
of the CITY of BOWLING GREEN, KENTUCKY  
held DECEMBER 7, 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 December 7, 2010. Mayor Elaine N. Walker called the meeting to order. An invocation was given by Commissioner Brian “Slim” Nash, 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.

**RECOGNITION**

Commissioner Wilkerson congratulated Commissioner Denning, who reached his 65<sup>th</sup> birthday on November 30, 2010.

**REMEMBRANCE**

This being the anniversary of the attack on Pearl Harbor, Mayor Walker requested a moment of silence to remember those who died 69 years ago today.

**CITY MANAGER**

City Manager Kevin D. DeFebbo reported there was a substitution for Ordinance No. BG2010 – 41, item number 16 on the agenda. He also requested a closed session for the purpose of discussion on the future acquisition of real property by the City as publicity would likely affect the value of the specific piece of property to be acquired for public use, and for proposed and pending litigation against the City. Motion was made by Wilkerson and seconded by Hamilton to convene in closed session following the regular meeting pursuant to KRS 61.810 (1) (b) and (c). 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 (1) (b) and (c) was approved by unanimous vote.

**APPROVAL OF MINUTES**

Minutes of Regular Meeting November 16, 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 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 November 16, 2010 was approved by unanimous vote.

PUBLIC COMMENTS

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

In response to public comments made by Jim Maroney at the November 16, 2010 meeting about an allegation that the Police Department was not assisting everyone equally, Mayor Walker reported that the issue had been investigated and there was no validity to the claim.

ORDINANCE NO. BG2010 - 37

(Second Reading)

ORDINANCE AMENDING CODE OF ORDINANCES

ORDINANCE AMENDING CHAPTERS 19 (POLICE) AND 22 (TRAFFIC AND MOTOR VEHICLES) OF THE CITY OF BOWLING GREEN CODE OF ORDINANCES TO AMEND LANGUAGE RELATED TO OFF-DUTY EMPLOYMENT AND PAYMENT OF POLICE SERVICES FOR SPECIAL EVENTS

Title and summary of Ordinance No. BG2010 - 37 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: Nash, Wilkerson, Denning, Hamilton and Walker  
Voting Nay: None

Ordinance No. BG2010 - 37 was adopted by unanimous vote.

MUNICIPAL ORDER NO. 2010 - 248

MUNICIPAL ORDER APPROVING THE APPOINTMENT OF SANDRA BUTLER MCALLISTER TO THE HISTORIC PRESERVATION BOARD

Summary of Municipal Order No. 2010 - 248 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 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

Municipal Order No. 2010 - 248 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2010 - 249

MUNICIPAL ORDER APPROVING THE PROMOTION OF MATTHEW S. JOHNSON TO THE POSITION OF EQUIPMENT TECHNICIAN IN THE PUBLIC WORKS DEPARTMENT

Summary of Municipal Order No. 2010 - 249 was read by the Assistant City Manager/City Clerk. Motion was made by Hamilton and seconded by Denning for consideration of said Municipal Order. DeFebbo indicated that a vacancy occurred from a recent resignation. He recommended the promotion of Mr. Johnson from the Public Works Operations Division to the Fleet Division. 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. 2010 - 249 was approved by unanimous vote.

**MUNICIPAL ORDER NO. 2010 – 250**

**MUNICIPAL ORDER APPROVING THE PROBATIONARY APPOINTMENTS OF RICHARD J. BESSETTE, JR., JOHN G. DUBARRY II, JUSTIN B. HENDRIX, DANNY T. PERRY AND CALEB G. RICHARDSON TO THE POSITION OF POLICE OFFICER IN THE POLICE DEPARTMENT**

Summary of Municipal Order No. 2010 - 250 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 reviewed and recommended the appointments to fill the remaining vacancies in the Police Department. 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. 2010 - 250 was approved by unanimous vote.

**MUNICIPAL ORDER NO. 2010 – 251**

**MUNICIPAL ORDER AMENDING MUNICIPAL ORDER NO. 2009-92 TO REFLECT CORRECT GRANT AWARD AMOUNT AND APPROVING A CONTRACT THROUGH NONCOMPETITIVE NEGOTIATIONS WITH MOTOROLA OF CHARLOTTE, NORTH CAROLINA UNDER THE KENTUCKY STATE PRICING CONTRACT FOR THE PURCHASE OF MOTOROLA RADIOS FOR THE CITY OF BOWLING GREEN AND WARREN COUNTY IN THE TOTAL AMOUNT NOT TO EXCEED \$650,414**

Summary of Municipal Order No. 2010 - 251 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 thanked the Fire Department staff for their efforts in attracting these grant funds. He explained that the grant funds would be shared with the Warren County Fire Departments.

Brian O'Reel with Harris Corporation, a manufacturer of radios, and RF Communications Divisions located in Versailles, Kentucky, encouraged competitive bidding and suggested the Board consider an updated equipment system, which he surmised could be achieved for about the same amount of money. Michael Barron of 408 E. Main Avenue also commented about the importance of a competitive bidding process.

Mayor Walker clarified that this item was not a sole source purchase, but a purchase through Kentucky State Pricing Contract. She also described the competitive process by which vendors were selected for a State Pricing Contract. City Attorney Gene Harmon stated that the City adopted the Modal Procurement Code which allowed for purchases through other governmental contracts. Mr. O'Reel responded that his company had attempted to be included on State contract, but was unable at this time. However, he stated that he had contracts with other Kentucky cities. Once discussion ended, a roll call vote was taken.

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

Municipal Order No. 2010 - 251 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2010 - 252

MUNICIPAL ORDER AUTHORIZING AND ACCEPTING THE PURCHASE OF PICTOMETRY AERIAL PHOTOGRAPHY FOR THE POLICE DEPARTMENT COMMUNICATIONS CENTER FROM PICTOMETRY INTERNATIONAL CORPORATION IN THE TOTAL AMOUNT OF \$272,297.60

Summary of Municipal Order No. 2010 - 252 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 that this item was discussed in detail during the November 16<sup>th</sup> work session and aided in identifying 911 caller locations with more precision. He also indicated that it was the City's intent to share the Pictometry with other governmental agencies at an established price. 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. 2010 - 252 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2010 - 253

MUNICIPAL ORDER APPROVING A CONTRACT THROUGH NONCOMPETITIVE NEGOTIATIONS WITH BT CONFERENCING VIDEO, INC. OF WESTMINSTER, COLORADO UNDER GSA CONTRACT FOR THE PURCHASE OF VIDEO CONFERENCING EQUIPMENT IN THE TOTAL AMOUNT OF \$57,615.30

Summary of Municipal Order No. 2010 - 253 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 explained this equipment allowed for better communication among the six fire stations and the administration building. Mayor Walker said she was impressed by the ability to train personnel without having to bring them all to one location. 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. 2010 - 253 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2010 - 254

MUNICIPAL ORDER AUTHORIZING AND ACCEPTING BID #2011-12 FOR POLICE DEPARTMENT AMMUNITION FROM CRAIG'S FIREARM SUPPLY, INC. OF KNOXVILLE, TENNESSEE, GULF STATES DISTRIBUTORS, INC. OF MONTGOMERY, ALABAMA AND KIESLER POLICE SUPPLY, INC. OF JEFFERSONVILLE, INDIANA IN AN AMOUNT NOT TO EXCEED \$71,478.92

Summary of Municipal Order No. 2010 - 254 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 bid awards for the annual purchases to replenish stock. 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. 2010 - 254 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2010 - 255

MUNICIPAL ORDER APPROVING A CONTRACT THROUGH NONCOMPETITIVE NEGOTIATIONS WITH PAUL MILLER FORD OF LEXINGTON, KENTUCKY UNDER THE KENTUCKY STATE PRICING CONTRACT FOR THE PURCHASE OF TWO FORD CROWN VICTORIA CVPI VEHICLES IN THE TOTAL AMOUNT OF \$44,502 FOR THE POLICE DEPARTMENT

Summary of Municipal Order No. 2010 - 255 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 remarked of the past business decision to utilize rear-wheel drive for patrol vehicles. With the use of insurance proceeds and other funds, he explained that two wrecked patrol vehicles would be replaced to maintain the current number of rolling stock. 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. 2010 - 255 was approved by unanimous vote.

ORDINANCE NO. BG2010 - 38

(First Reading)

ORDINANCE GRANTING FRANCHISE RELATED TO TELECOMMUNICATIONS SYSTEM

ORDINANCE GRANTING A NON-EXCLUSIVE TELECOMMUNICATIONS FRANCHISE TO BLUEGRASS NETWORK, LLC FOR THE USE OF RIGHTS-OF-WAY FOR THE INSTALLATION OF A TELECOMMUNICATIONS SYSTEM WITHIN THE CITY OF BOWLING GREEN AND WARREN COUNTY, KENTUCKY

Title and summary of Ordinance No. BG2010 - 38 was read by the Assistant City Manager/City Clerk. Motion was made by Hamilton and seconded by Wilkerson for first reading of said Ordinance. City Attorney Gene Harmon reviewed the agreement for the previously established non-exclusive franchise. 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. BG2010 - 38 was approved by unanimous vote.

**MUNICIPAL ORDER NO. 2010 – 256**

**MUNICIPAL ORDER AUTHORIZING THE HOUSING AUTHORITY OF BOWLING GREEN TO RETAIN THE CITY’S PORTION OF THE PAYMENT IN LIEU OF TAXES (PILOT) FOR THE 2010 TAX YEAR IN THE AMOUNT OF \$18,821**

Summary of Municipal Order No. 2010 - 256 was read by the Assistant City Manager/City Clerk. Motion was made by Hamilton and seconded by Denning for consideration of said Municipal Order. DeFebbo recommended the annual approval to provide funds for the Housing Authority’s after school programs. 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. 2010 - 256 was approved by unanimous vote.

**MUNICIPAL ORDER NO. 2010 – 257**

**MUNICIPAL ORDER AUTHORIZING THE EXTENSION OF THE DEPOT OPERATIONS AND MANAGEMENT AGREEMENT WITH THE FRIENDS OF L & N DEPOT, INC.**

Summary of Municipal Order No. 2010 – 257 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 recounted that this item was discussed during a previous work session and the City-County Depot Committee had also approved the agreement. 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. 2010 - 257 was approved by unanimous vote.

**ORDINANCE NO. BG2010 – 39**

**(First Reading)**

**ORDINANCE AMENDING CODE OF ORDINANCES**

**ORDINANCE AMENDING CHAPTER 22 (TRAFFIC AND MOTOR VEHICLES) OF THE CITY OF BOWLING GREEN CODE OF ORDINANCES TO AMEND LANGUAGE RELATED TO PARKING ENFORCEMENT**

Title and summary of Ordinance No. BG2010 - 39 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 confirmed that changes to the ordinance which were discussed during the work session had been made prior to the start of this meeting. 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. BG2010 - 39 was approved by unanimous vote.

ORDINANCE NO. BG2010 - 40

(First Reading)

ORDINANCE REZONING REAL ESTATE

ORDINANCE REZONING A TRACT OF LAND CONTAINING 2.473 ACRES FROM HB (HIGHWAY BUSINESS) AND AG (AGRICULTURE) TO RM-4 (MULTI-FAMILY RESIDENTIAL) LOCATED AT 269 OLD PORTER PIKE PRESENTLY OWNED BY WILLIAM L. JR. AND KIM FERGUSON

Title and summary of Ordinance No. BG2010 - 40 was read by the Assistant City Manager/City Clerk. Motion was made by Wilkerson and seconded by Hamilton for first reading of said Ordinance. 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

First reading of Ordinance No. BG2010 - 40 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2010 - 258

MUNICIPAL ORDER APPROVING CONSTRUCTION AND ACCEPTING MAINTENANCE OF VARIOUS STREETS IN CUMBERLAND RIDGE SUBDIVISION, SECTIONS TWO, THREE AND FOUR

Summary of Municipal Order No. 2010 - 258 was read by the Assistant City Manager/City Clerk. Motion was made by Hamilton and seconded by Wilkerson for consideration of said Municipal Order. DeFebbo reviewed and recommended the acceptance of maintenance since all requirements had been met. 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. 2010 - 258 was approved by unanimous vote.

ORDINANCE NO. BG2010 - 41

(First Reading)

ORDINANCE APPROVING AMENDED AND RESTATED AGREEMENT ON THE SHARING OF REVENUES

ORDINANCE APPROVING AMENDED AND RESTATED AGREEMENT ON THE SHARING OF REVENUES RELATED TO THE ESTABLISHMENT, FINANCING AND IMPLEMENTATION OF A DEVELOPMENT AREA TAX INCREMENT FINANCING (TIF) DISTRICT KNOWN AS THE WKU GATEWAY TO DOWNTOWN BOWLING GREEN

Title and summary of Ordinance No. BG2010 - 41 was read by the Assistant City Manager/City Clerk. Motion was made by Hamilton and seconded by Wilkerson for first reading of said Ordinance. DeFebbo stated that the Chapter 58 Corporation (also known as Warren County Downtown Economic Development Authority) had requested a substitution since changes were still being made to the other documents (Local Participation Agreement and Master Development Agreement) which were originally planned to also be considered at the same time. Attorney Kevin Brooks, representing the Authority, indicated that only a couple of changes requested by City staff had been made to the Revenue Sharing Agreement following the November 16<sup>th</sup> work session discussion of the item. Mayor Walker asked for additional discussion, and with none, a roll call vote was taken.

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

First reading of Ordinance No. BG2010 – 41 was approved by majority vote.

CLOSED SESSION

Following a brief recess to clear the Commission Chamber, the Board of Commissioners met at approximately 7:35 p.m. in closed session pursuant to KRS 61.810 (1) (b) and (c) as previously approved. Mr. DeFebbo confirmed that action was anticipated to follow the discussion.

RECONVENE IN OPEN SESSION

Once all discussion concluded in closed session, the Board of Commissioners reconvened in open session at approximately 8:18 p.m. to consider action. Motion was made by Nash and seconded by Wilkerson to add Municipal Order No. 2010 – 259 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. 2010 – 259 to the agenda was approved by unanimous vote.

MUNICIPAL ORDER NO. 2010 – 259

MUNICIPAL ORDER APPROVING AND AUTHORIZING THE MAYOR TO EXECUTE A JOINT DEFENSE AGREEMENT AMONG THE CITY OF BOWLING GREEN, WARREN COUNTY AND THE INTER-MODAL TRANSPORTATION AUTHORITY, INC. AND AUTHORIZING EMPLOYMENT OF ENGLISH, LUCAS, PRIEST & OWSLEY, LLP TO REPRESENT THE CITY OF BOWLING GREEN, KENTUCKY’S INTERESTS IN FEDERAL CIVIL ACTION COMMENCED BY KARST ENVIRONMENTAL EDUCATION AND PROTECTION, INC.

Summary of Municipal Order No. 2010 - 259 was read by the Assistant City Manager/City Clerk. Motion was made by Nash and seconded by Hamilton 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. 2010 - 259 was approved by unanimous vote.

ADJOURNMENT

There being no further business to come before the Board of Commissioners, at approximately 8:20 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 two Stormwater Mitigation Program projects located on 1) South Park Drive and 2) Covington Street and Batsel Avenue. The conceptual design for South Park and final design for Covington/Batsel were presented and public comments were received during the work session. The Board also discussed the proposed changes in Ordinance No. BG2010 - 39 related to parking enforcement, which was scheduled for first reading.

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

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

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

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