

**MINUTES of REGULAR MEETING  
of the BOARD of COMMISSIONERS  
of the CITY of BOWLING GREEN, KENTUCKY  
held OCTOBER 5, 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 October 5, 2010. Mayor Elaine N. Walker called the meeting to order. An invocation was given by Senior Pastor Rick Bard of Broadway United Methodist 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 and Mayor Elaine N. Walker. Absent: Commissioner Brian "Slim" Nash. There was a 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 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)(c). Walker called for roll call vote.

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

Motion to convene in closed session pursuant to KRS 61.810 (1)(c) was approved by unanimous vote.

From a prior request by one of the Commissioners, Mr. DeFebbo disclosed that the City's Code Enforcement Division was working on some property issues near Harmony Way and Catalina Drive to help eliminate a dispute between neighbors. He reported the City's involvement dated back to May 2007 and the problem involved over 100 complaints or requests for service to the Police Department, as well as involvement by the Health Department to some degree. The Code Enforcement Division had also investigated 18 complaints of violation of the Property Maintenance Code. Of these 18 complaints, Mr. DeFebbo specified seven were found to be violations and brought into compliance, ten others were determined not to be a violation and one was still outstanding. He further reported that it was the City's intent to bring this issue to a close, however, there was no known remedy. He proposed presenting the case to the Code Enforcement Board for additional action or remedy regarding the impact of maintaining one's property within the context of a "neighborhood standard." In addition, Mr. DeFebbo commented that revisions to the Property Maintenance Code would be forth coming to clearly address and manage hanging items in trees and bushes and that a workable definition of nuisance was currently under development. In closing, Mr. DeFebbo indicated that no matter the action taken by staff or the Code Enforcement Board, there were administrative and legal appeals that could be filed by either party to the issue.

Comm. Denning stated he had received several complaints regarding this property issue. He requested that the City Manager expedite any solution in the areas that were available to the City and try to bring this issue to a close as quickly as possible.

APPROVAL OF MINUTES

Minutes of Regular Meeting September 21, 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: Wilkerson, Denning, Hamilton and Walker  
                          Voting Nay: None

Motion to approve the minutes of the regular meeting of September 21, 2010 was approved by unanimous vote.

PUBLIC COMMENTS

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

ORDINANCE NO. BG2010 - 33

(Second Reading)

ORDINANCE AMENDING ZONING ORDINANCE

ORDINANCE AMENDING ARTICLES 2, 3, 4 AND 5 OF THE  
ZONING ORDINANCE FOR THE CITY OF BOWLING GREEN,  
KENTUCKY AS RECOMMENDED BY THE CITY-COUNTY  
PLANNING COMMISSION

Title and summary of Ordinance No. BG2010 - 33 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 and Walker  
                          Voting Nay: None

Ordinance No. BG2010 - 33 was adopted by unanimous vote.

ORDINANCE NO. BG2010 - 34

(Second Reading)

ORDINANCE CLOSING A PUBLIC RIGHT-OF-WAY

ORDINANCE APPROVING THE CLOSING OF TWO ALLEYWAYS  
OFF OLD MORGANTOWN ROAD

Title and summary of Ordinance No. BG2010 - 34 was read by the Assistant City Manager/City Clerk. Motion was made by Hamilton and seconded by Wilkerson 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 and Walker  
                          Voting Nay: None

Ordinance No. BG2010 - 34 was adopted by unanimous vote.

MUNICIPAL ORDER NO. 2010 – 210

MUNICIPAL ORDER APPROVING THE APPOINTMENT OF  
NANCY BECKER TO THE HUMAN RIGHTS COMMISSION

Summary of Municipal Order No. 2010 - 210 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: Wilkerson, Denning, Hamilton and Walker  
                          Voting Nay: None

Municipal Order No. 2010 - 210 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2010 – 211

MUNICIPAL ORDER APPROVING THE APPOINTMENT OF JOHN  
MICHAEL KELLY TO SERVE ON THE WARREN COUNTY  
DOWNTOWN ECONOMIC DEVELOPMENT AUTHORITY,  
INCORPORATED

Summary of Municipal Order No. 2010 - 211 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 thanked Mr. Kelly for agreeing to serve on this board, and she reviewed his various business and community involvements making him an excellent candidate for consideration. Comm. Denning concurred and stated Mr. Kelly was an outstanding choice for appointment. Mayor Walker asked for additional discussion, and with none, a roll call vote was taken.

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

Municipal Order No. 2010 - 211 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2010 – 212

MUNICIPAL ORDER APPROVING THE APPOINTMENT OF  
SHAWN SINCLAIR TO THE UNIVERSITY DISTRICT REVIEW  
COMMITTEE

Summary of Municipal Order No. 2010 - 212 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 asked for discussion, and with none, a roll call vote was taken.

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

Municipal Order No. 2010 - 212 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2010 – 213

MUNICIPAL ORDER APPROVING THE PROMOTION OF CALEB  
P. HULSEY TO THE POSITION OF FIRE APPARATUS  
OPERATOR/EMT IN THE FIRE DEPARTMENT

Summary of Municipal Order No. 2010 - 213 was read by the Assistant City Manager/City Clerk. Motion was made by Wilkerson and seconded by Denning for consideration of said Municipal Order. Deputy Fire Chief John Weatherbee stated that with the recent retirement of Sergeant John Scott, a vacancy became open. He reviewed the qualifications of Mr. Hulsey and recommended the promotion. Mayor Walker asked for additional discussion, and with none, a roll call vote was taken.

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

Municipal Order No. 2010 - 213 was approved by unanimous vote.

**MUNICIPAL ORDER NO. 2010 – 214**

**MUNICIPAL ORDER AUTHORIZING THE CONTINUATION OF SOFTWARE SUBSCRIPTION AND MAINTENANCE SERVICES FROM OPEN TEXT, INC. IN THE AMOUNT OF \$34,980**

Summary of Municipal Order No. 2010 - 214 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 on-going maintenance contract. Mayor Walker asked for additional discussion, and with none, a roll call vote was taken.

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

Municipal Order No. 2010 - 214 was approved by unanimous vote.

**MUNICIPAL ORDER NO. 2010 – 215**

**MUNICIPAL ORDER AUTHORIZING AND ACCEPTING THE PURCHASE OF CLEARLANE ENHANCED DEICER FROM CARGILL DEICING TECHNOLOGY IN THE AMOUNT OF \$64,275**

Summary of Municipal Order No. 2010 – 215 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 recounted that during heavy snow last year, the City ran short of its salt product. He explained that in order to avoid a similar occurrence, the Public Works Operations Division was restocking in preparation for the winter season. Public Works Operations Division Manager Bobby Phelps confirmed that the City would still have the ability to restock if necessary during an emergency. Mayor Walker asked for additional discussion, and with none, a roll call vote was taken.

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

Municipal Order No. 2010 - 215 was approved by unanimous vote.

**MUNICIPAL ORDER NO. 2010 – 216**

**MUNICIPAL ORDER AUTHORIZING AND ACCEPTING THE RUSSELL SIMS AQUATIC WATER SLIDES AND POOL TOYS GEL COATING FROM FIBERGLASS SYSTEMS IN THE AMOUNT OF \$39,080**

Summary of Municipal Order No. 2010 - 216 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 that the aquatics equipment required periodic recoating to protect it from weatherization and to extend its life. He recommended approval of the bid award. Mayor Walker asked for additional discussion, and with none, a roll call vote was taken.

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

Municipal Order No. 2010 - 216 was approved by unanimous vote.

**MUNICIPAL ORDER NO. 2010 – 217**

**MUNICIPAL ORDER AUTHORIZING AND ACCEPTING BID #2011-08 FOR THE MATERIALS AND INSTALLATION OF LIGHTING FOR THE HOBSON GROVE PREP AND LEGION BASEBALL FIELDS FROM BARTON ELECTRIC OF TRENTON, ILLINOIS IN THE TOTAL AMOUNT OF \$158,500 AND FURTHER AUTHORIZING THE DIRECT PURCHASE OF MATERIALS FOR THIS PROJECT**

Summary of Municipal Order No. 2010 - 217 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 of the best evaluated bid, which also happened to be the lowest price bid.

Parks and Recreation Director Ernie Gouvas disclosed that a bid protest was received from the second lowest price bidder, Arrow Electrical Contractors. He detailed the protest which was based on the premise that the recommended bidder did not meet the bid specifications in regard to initial light levels. Mr. Gouvas explained that Musco lighting fixtures, which was the type of fixture bid by Barton Electric, was a new technology that maintained light levels on a more consistent bases over the life of the fixture compared to Qualite light fixtures bid by Arrow Electrical.

Mr. DeFebbo stated that staff felt comfortable with its judgment that it was recommending the best product for the City. In response to a question from Comm. Denning, Mr. Gouvas noted that Arrow Electrical did not address in its bid response some other factors of the bid specifications related to lighting of the practice fields. He reiterated that Barton Electric had submitted the lowest bid and addressed all lighted areas of the ball fields as well as provided a product that was more energy efficient and included a 25 year warranty. Mayor Walker asked for additional discussion, and with none, a roll call vote was taken.

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

Municipal Order No. 2010 - 217 was approved by unanimous vote.

**MUNICIPAL ORDER NO. 2010 – 218**

**MUNICIPAL ORDER AUTHORIZING AND ACCEPTING BID #2011-02 FOR GLEN LILY LANDFILL IMPROVEMENTS FROM HOLLAND, INC. OF BOWLING GREEN, KENTUCKY IN THE AMOUNT OF \$446,790**

Summary of Municipal Order No. 2010 - 218 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 the City was making a renewed commitment with addressing the landfill maintenance and was receiving state funding assistance to cover the costs of this project. He explained the project was to extend the synthetic liner of the landfill to prevent groundwater from contributing to the leachate collection system.

In relation to general documentation attached to Municipal Orders for bid awards, Comm. Denning requested that bidder addresses be included on the bid tabulation sheets for easier reference. Ms. Schaller agreed the Purchasing Office would start from this point forward to include the additional information as requested.

Mayor Walker commended Public Works staff for its efforts to obtain another funding source to pay for this project. She asked for additional discussion, and with none, a roll call vote was taken.

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

Municipal Order No. 2010 - 218 was approved by unanimous vote.

**MUNICIPAL ORDER NO. 2010 – 219**

**MUNICIPAL ORDER AUTHORIZING AND ACCEPTING BID #2011-10 FOR THE SLOAN CONVENTION CENTER AIR WALLS REPLACEMENT PROJECT FROM U.S. SPECIALTIES OF LOUISVILLE, KENTUCKY IN THE AMOUNT OF \$149,900 AND FURTHER AUTHORIZING THE DIRECT PURCHASE OF MATERIALS FOR THIS PROJECT**

Summary of Municipal Order No. 2010 - 219 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 bid award. Mayor Walker asked for additional discussion, and with none, a roll call vote was taken.

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

Municipal Order No. 2010 - 219 was approved by unanimous vote.

**MUNICIPAL ORDER NO. 2010 – 220**

**MUNICIPAL ORDER APPROVING THE MAINTENANCE OF GARY FARMS BOULEVARD LANDSCAPING AGREEMENT BETWEEN THE CITY OF BOWLING GREEN AND OPERATION P.R.I.D.E.**

Summary of Municipal Order No. 2010 - 220 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 specified this was another collaborative effort with Operation Pride to maintain landscaping of the median. He detailed that the City would remove the existing plant materials and Operation Pride would replant and maintain the area with received sponsorships. Mayor Walker

thanked Operation Pride for providing a community improvement with little cost to the City. She asked for additional discussion, and with none, a roll call vote was taken.

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

Municipal Order No. 2010 - 220 was approved by unanimous vote.

**MUNICIPAL ORDER NO. 2010 - 221**

**MUNICIPAL ORDER AUTHORIZING THE ACCEPTANCE OF A GRANT FROM THE U.S. DEPARTMENT OF JUSTICE, OFFICE OF JUSTICE PROGRAMS, BUREAU OF JUSTICE ASSISTANCE THROUGH THE BULLETPROOF VEST PARTNERSHIP PROGRAM IN THE AMOUNT OF \$9,010**

Summary of Municipal Order No. 2010 - 221 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 remarked that periodic replacement of the vests was necessary. He recommended acceptance of the grant funding that would reimburse the City for up to 50% of the cost of approximately 26 vests. Mayor Walker asked for additional discussion, and with none, a roll call vote was taken.

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

Municipal Order No. 2010 - 221 was approved by unanimous vote.

**MUNICIPAL ORDER NO. 2010 - 222**

**MUNICIPAL ORDER APPROVING OUT-OF-TOWN TRAVEL EXPENSES FOR MAYOR ELAINE N. WALKER TO ATTEND THE KENTUCKY LEAGUE OF CITIES CONFERENCE IN LOUISVILLE, KENTUCKY AND AUTHORIZING REIMBURSEMENT**

Summary of Municipal Order No. 2010 - 222 was read by the Assistant City Manager/City Clerk. Motion was made by Wilkerson and seconded by Denning 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:   None  
                          Abstaining:   Walker

Municipal Order No. 2010 - 222 was approved by majority vote.

Mayor Walker divulged that Kentucky League of Cities would be announcing its new Executive Director at a press conference the next day.

**MUNICIPAL ORDER NO. 2010 - 223**

**MUNICIPAL ORDER APPROVING AND AUTHORIZING OUT-OF-TOWN TRAVEL EXPENSES FOR CITY MANAGER KEVIN D. DEFEBBO TO ATTEND THE KENTUCKY LEAGUE OF CITIES CONFERENCE IN LOUISVILLE, KENTUCKY**

Summary of Municipal Order No. 2010 - 223 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: Wilkerson, Denning, Hamilton and Walker  
                          Voting Nay: None

Municipal Order No. 2010 - 223 was approved by unanimous vote.

**ORDINANCE NO. BG2010 - 35**

**(First Reading)**

**ORDINANCE RELATING TO BUDGET AMENDMENT**

**ORDINANCE APPROVING AMENDMENT NUMBER ONE TO THE  
CITY OF BOWLING GREEN, KENTUCKY ANNUAL OPERATING  
BUDGET FOR FISCAL YEAR 2011**

Title and summary of Ordinance No. BG2010 - 35 was read by the Assistant City Manager/City Clerk. Motion was made by Hamilton and seconded by Denning for first reading of said Ordinance. DeFebbo deferred to Chief Financial Officer Jeff Meisel if the Board had any questions. Mayor Walker asked for additional discussion, and with none, a roll call vote was taken.

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

First reading of Ordinance No. BG2010 - 35 was approved by unanimous vote.

**CLOSED SESSION**

Mr. DeFebbo noted that there would not be any action to follow the closed session discussion. 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)(c) as previously approved.

**ADJOURNMENT**

Once all discussion ended in closed session and there being no further business to come before the Board of Commissioners, at approximately 8:00 p.m., Mayor Walker declared this meeting adjourned.

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

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

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