

**MINUTES of REGULAR MEETING
of the BOARD of COMMISSIONERS
of the CITY of BOWLING GREEN, KENTUCKY
held NOVEMBER 18, 2008**

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 18, 2008. Mayor Elaine N. Walker called the meeting to order. An invocation was given by Commissioner Bruce Wilkerson, 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 K. Strow, Commissioner Bruce Wilkerson, Commissioner Brian "Slim" Nash and Mayor Elaine N. Walker. Absent: Commissioner Joe W. Denning. There was a quorum of the Board of Commissioners.

OPERATION P.R.I.D.E. AWARDS

Operation P.R.I.D.E. Executive Director Ray Lackey said that awards are presented to those that have made significant improvements to residential and non-residential property. For the month of November, Mr. Lackey presented the residential award to the Alpha Delta Pi Sorority for improvements made to 1632 Chestnut Street. The commercial award was presented to Tower Place Center located at 2800 Scottsville Road and accepted by Jim Bullington.

AWARDS & RECOGNITIONS

City Manager Kevin D. DeFebbo introduced Kentucky League of Cities (KLC) Director of Underwriting Ned Wertz. Mr. Wertz thanked the City for its membership in KLC Insurance Services and congratulated the City for being the first and largest city to be certified as a drug-free workplace. He then presented the City with a refund check in the amount of \$17,994 which reflected the initial discount received for participating in the drug-free program.

STANDARD OIL BUILDING REHABILITATION

Housing and Community Development Director Alice Burks provided an update regarding a proposal to purchase and install additional historical features for the Standard Oil Building site which was discussed at the October 21, 2008 work session. She stated that the Kentucky Department for Local Government approved the use of up to \$15,000 of the remaining Community Development Block Grant (CDBG) funds to enhance the historical site. Due to the short time frame to spend the funds by December 31, 2008, Ms. Burks reported that her staff has been working to prepare and advertise specifications to receive quotes from interested parties, which quotes would also require review and approval by the Kentucky Heritage Council.

CITY MANAGER

City Manager Kevin D. DeFebbo 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 pieces of property to be acquired for public use, for proposed and pending litigation on behalf of the City and against the City, and for discussion between the City and a representative of business

entities and discussions concerning specific proposals, if open discussions would jeopardize the siting, retention, expansion or upgrading of the businesses. Motion was made by Wilkerson and seconded by Nash to convene in closed session following the regular meeting pursuant to KRS 61.810 (b), (c) and (g). Walker called for roll call vote.

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

Motion to convene in closed session pursuant to KRS 61.810 (b), (c) and (g) was approved by unanimous vote.

APPROVAL OF MINUTES

Minutes of Regular Meeting October 21, 2008

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: Strow, Wilkerson, Nash and Walker
 Voting Nay: None

Motion to approve the minutes of the regular meeting of October 21, 2008 was approved by unanimous vote.

PUBLIC COMMENTS

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

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. 2008 – 264

MUNICIPAL ORDER APPROVING THE REAPPOINTMENTS OF
RODNEY ROGERS AND JIM ED HOLLAND TO THE
CONTRACTORS LICENSING BOARD

MUNICIPAL ORDER NO. 2008 – 265

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

MUNICIPAL ORDER NO. 2008 – 266

MUNICIPAL ORDER APPROVING AND AUTHORIZING OUT-OF-

TOWN TRAVEL EXPENSES FOR CITY MANAGER KEVIN D. DEFEBBO TO ATTEND THE 2008 KENTUCKY LEAGUE OF CITIES CONVENTION AND EXPO IN LOUISVILLE, KENTUCKY

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

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

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

REGULAR AGENDA

ORDINANCE NO. BG2008 - 58

(Second Reading)

ORDINANCE RELATING TO BUDGET AMENDMENT

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

Title and summary of Ordinance No. BG2008 - 58 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: Strow, Wilkerson, Nash and Walker
Voting Nay: None

Ordinance No. BG2008 - 58 was adopted by unanimous vote.

ORDINANCE NO. BG2008 - 59

(Second Reading)

ORDINANCE REZONING REAL ESTATE

ORDINANCE REZONING A TRACT OF LAND CONTAINING 0.17 ACRE FROM RS-1A (SINGLE FAMILY RESIDENTIAL) TO OP-R (OFFICE PROFESSIONAL-RESIDENTIAL) LOCATED AT 1206 HERRINGTON STREET, WITH BINDING ELEMENTS, PRESENTLY OWNED BY AJ RESIDENTIAL PROPERTIES, LLC AND JUDY TURNER

Title and summary of Ordinance No. BG2008 - 59 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: Strow, Wilkerson, Nash and Walker
Voting Nay: None

Ordinance No. BG2008 - 59 was adopted by unanimous vote.

ORDINANCE NO. BG2008 - 60

(Second Reading)

ORDINANCE AMENDING CODE OF ORDINANCES

ORDINANCE AMENDING CHAPTER 2 (ADMINISTRATION) OF
THE CITY OF BOWLING GREEN CODE OF ORDINANCES
RELATING TO RESIDENCY REQUIREMENTS FOR BOARD AND
COMMISSION APPOINTEES

Title and summary of Ordinance No. BG2008 - 60 was read by the Assistant City Manager/City Clerk. Motion was made by Walker for second reading of said Ordinance. With no second to the motion, Ordinance No. BG2008 - 60 was not approved (died for lack of second).

Since this item was not passed, Mayor Walker asked for assistance from the Commissioners with obtaining names for interested individuals willing to serve on various City boards, and in particular to find a City resident who would like to serve on the Tree Advisory Board.

MUNICIPAL ORDER NO. 2008 - 267

MUNICIPAL ORDER APPROVING THE PROBATIONARY
APPOINTMENTS OF JAMES DOUGLAS WORKMAN AND WYNN
EDWARD ALLEN TO THE POSITION OF COMMUNICATIONS
DISPATCHER IN THE POLICE DEPARTMENT

Summary of Municipal Order No. 2008 - 267 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 reviewed and recommended the appointments. Mayor Walker asked for additional discussion, and with none, a roll call vote was taken.

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

Municipal Order No. 2008 - 267 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2008 - 268

MUNICIPAL ORDER APPROVING THE PROMOTIONS OF
NORMAN RAY SIMPSON TO THE POSITION OF COMPANY
COMMANDER / EMT AND HOWARD LEE HATCHER TO THE
POSITION OF FIRE APPARATUS OPERATOR / EMT IN THE FIRE
DEPARTMENT

Summary of Municipal Order No. 2008 - 268 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 reviewed the promotions. Deputy Fire Chief John Weatherbee reviewed the individual qualifications and recommended each promotion. Mayor Walker asked for additional discussion, and with none, a roll call vote was taken.

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

Municipal Order No. 2008 - 268 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2008 - 269

MUNICIPAL ORDER APPROVING THE PROBATIONARY APPOINTMENT OF FRANCO PAUL IRVIN TO THE POSITION OF LABORER II IN THE PUBLIC WORKS DEPARTMENT, OPERATIONS DIVISION

Summary of Municipal Order No. 2008 - 269 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 reviewed and recommended the appointment. Mayor Walker asked for additional discussion, and with none, a roll call vote was taken.

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

Municipal Order No. 2008 - 269 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2008 - 270

MUNICIPAL ORDER APPROVING THE PROBATIONARY APPOINTMENT OF ANDREW THOMAS SHULTZ TO THE POSITION OF FIREFIGHTER IN THE FIRE DEPARTMENT

Summary of Municipal Order No. 2008 - 270 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 reviewed the application process and recommended the appointment. Mayor Walker asked for additional discussion, and with none, a roll call vote was taken.

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

Municipal Order No. 2008 - 270 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2008 - 271

MUNICIPAL ORDER AUTHORIZING THE CONTINUATION OF AN AGREEMENT AS EMPLOYEE BENEFITS BROKER/AGENT WITH SHERRILL D. MORGAN & ASSOCIATES OF COVINGTON, KENTUCKY IN AN AMOUNT NOT TO EXCEED \$29,900

Summary of Municipal Order No. 2008 - 271 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 Board had previously awarded a two year contract which was coming to an end and that there was an option to renew the contract for an additional year. He reported that the Employee Health Care Committee recommended the City exercise the option to renew. He also noted that the City has not had to payout any money to date for this contract. Mayor Walker asked for additional discussion, and with none, a roll call vote was taken.

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

Municipal Order No. 2008 - 271 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2008 - 272

MUNICIPAL ORDER APPROVING HEALTH REIMBURSEMENT
ARRANGEMENT (HRA) SERVICE AGREEMENT WITH NORTH
AMERICA ADMINISTRATORS, LP FOR THIRD PARTY
ADMINISTRATION

Summary of Municipal Order No. 2008 - 272 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 reviewed and recommended the award of the lowest bid for services specifically related to the new HRA account, which was also recommended by the Employee Health Care Committee. Human Resources and Risk Management Director Michele Tolbert responded to a question about the City's third party administrator for its already existing Flexible Spending Account (FSA). Mayor Walker asked for additional discussion, and with none, a roll call vote was taken.

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

Voting Nay: None

Municipal Order No. 2008 - 272 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2008 - 273

MUNICIPAL ORDER AUTHORIZING ADOPTION OF THE
REVISED CITY OF BOWLING GREEN PUBLIC SAFETY
PROMOTIONAL PROCEDURES

Summary of Municipal Order No. 2008 - 273 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 he agreed with the proposed changes to the promotional procedures. Human Resources and Risk Management Director Michele Tolbert provided an overview of the three most significant changes, which included 1) relocating the reference to Assistant Chief-Prevention in section 2-2(d) to 2-2(c), 2) changing the passing score from 60% to 70% on the written promotional test for Fire in Section 5-1(d), and 3) removing the requirement for a Human Resources representative to be present in the Oral Board / Assessment processes for both Police and Fire in Section 5-3. Mayor Walker asked for additional discussion, and with none, a roll call vote was taken.

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

Voting Nay: None

Municipal Order No. 2008 - 273 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2008 - 274

MUNICIPAL ORDER AUTHORIZING AND ACCEPTING BID
#2009-18 FOR AMERICAN POWER CONVERSION HARDWARE
FOR GREENWOOD FIRE STATION FROM PROSYS OF
NICHOLASVILLE, KENTUCKY IN THE AMOUNT OF \$49,862.22

Summary of Municipal Order No. 2008 - 274 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 reviewed and recommended the bid award which was related to the Information

Technology Department's Disaster Recovery System which would be located at the new fire station. Mayor Walker asked for additional discussion, and with none, a roll call vote was taken.

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

Municipal Order No. 2008 - 274 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2008 – 275

MUNICIPAL ORDER AUTHORIZING AND ACCEPTING BID #2009-01 FOR FINAL DESIGN SERVICES FOR OLD MORGANTOWN ROAD CORRIDOR FROM CANNON & CANNON, INC. OF BOWLING GREEN, KENTUCKY IN AN AMOUNT NOT TO EXCEED \$118,750

Summary of Municipal Order No. 2008 - 275 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 commented about the revised project for the overall improvement of the roadway, which was scaled back to reduce cost. He reviewed and recommended the bid award for final design services. Assistant City Engineer Melissa Cansler responded to questions and provided detailed information regarding the evaluation of the bids, prequalification by bidders and the recommendation to go with Cannon & Cannon instead of the lowest bidder.

Comm. Wilkerson expressed his concern that the City should not deliberately preclude local companies from bidding on projects based on prequalification requirements or certain criteria. Mr. DeFebbo agreed and commented about the ability to determine predefined procurement criteria to use for consideration when evaluating bids for professional services. Comm. Wilkerson requested a work session to discuss the process in more detail. He also asked that staff meet with local firms before hand to obtain their input as well.

Comm. Nash asked if anyone had met with the gentleman who spoke at the October 7, 2008 work session about his property located at 308 Old Morgantown Road and who had expressed concern regarding the parking for his restaurant. Ms. Cansler said she met with Mr. Bajric and reviewed the proposed project with him.

Mayor Walker stated she was impressed with the number of bids received and appreciated the specific criteria, cost and experience, used in evaluating these bids. Once all discussion ended, a roll call vote was taken.

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

Municipal Order No. 2008 - 275 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2008 – 276

MUNICIPAL ORDER APPROVING AND AUTHORIZING OUT-OF-TOWN TRAVEL EXPENSES FOR MAYOR ELAINE N. WALKER TO ATTEND THE U.S. CONFERENCE OF MAYORS 2008 FALL LEADERSHIP MEETING IN PALM BEACH, FLORIDA

Summary of Municipal Order No. 2008 - 276 was read by the Assistant City Manager/City Clerk. Motion was made by Nash 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: Strow, Wilkerson and Nash
 Voting Nay: None
 Abstain: Walker

Municipal Order No. 2008 - 276 was approved by majority vote.

MUNICIPAL ORDER NO. 2008 - 277

MUNICIPAL ORDER APPROVING AND AUTHORIZING OUT-OF-TOWN TRAVEL EXPENSES AND REIMBURSEMENT FOR MAYOR ELAINE N. WALKER TO ATTEND THE 2008 KENTUCKY LEAGUE OF CITIES CONVENTION AND EXPO IN LOUISVILLE, KENTUCKY

Summary of Municipal Order No. 2008 - 277 was read by the Assistant City Manager/City Clerk. Motion was made by Nash 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: Strow, Wilkerson and Nash
 Voting Nay: None
 Abstain: Walker

Municipal Order No. 2008 - 277 was approved by majority vote.

MUNICIPAL ORDER NO. 2008 - 278

MUNICIPAL ORDER ACCEPTING STREET MAINTENANCE AND AUTHORIZING EXECUTION OF PLAT AND RELATED DOCUMENTS TO DESIGNATE WOODHURST STREET AS A PUBLIC RIGHT-OF-WAY

Summary of Municipal Order No. 2008 - 278 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 that Woodhurst Street was never officially dedicated as a City street. City Attorney Gene Harmon noted that it was the Airport that discovered the discrepancy and brought it to the City's attention. Mayor Walker asked for additional discussion, and with none, a roll call vote was taken.

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

Municipal Order No. 2008 - 278 was approved by unanimous vote.

BOARD OF COMMISSIONERS COMMENTS

Comm. Nash stated for the record that there was no disrespect intended during the beginning of the meeting when applause was provided for the Fire Department personnel promotions and appointment and not for all of the appointments approved by the Board.

CLOSED SESSION

Following a brief recess to clear the Commission Chamber and at approximately 7:50 p.m., the Board of Commissioners met in closed session pursuant to KRS 61.810 (b), (c) and (g) as previously approved.

RECONVENE IN OPEN SESSION

Once all discussion concluded in closed session, the Board of Commissioners reconvened in open session at approximately 8:57 p.m. to consider action. Motion was made by Wilkerson and seconded by Nash to add Municipal Order No. 2008 – 279 to the agenda for consideration. With no discussion, a roll call vote was taken.

ROLL CALL: Voting Yea: Wilkerson, Nash and Walker
 Voting Nay: Strow

Motion to add Municipal Order No. 2008 – 279 to the agenda was approved by majority vote.

MUNICIPAL ORDER NO. 2008 – 279

MUNICIPAL ORDER AUTHORIZING AND ORDERING
CONDEMNATION OF ANY AND ALL INTERESTS OF SPENCE
HOLDING, INC. AND KEETON CORRECTION, INC. IN
PROPERTY LOCATED AT 707 EAST MAIN AVENUE

Summary of Municipal Order No. 2008 - 279 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, Nash and Walker
 Voting Nay: Strow

Municipal Order No. 2008 - 279 was approved by majority vote.

ADJOURNMENT

There being no further business to come before the Board of Commissioners, at approximately 9:00 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 City's Equal Employment Opportunity Affirmative Action Plan; 2) revisit the temporary street closings of Shawnee Way and Navajo Drive; 3) presentation by Information Technology regarding E-Government; and 4) continue discussion of proposed revisions to Chapter 9 (Crimes and Offenses) of the City of Bowling Green Code of Ordinances, covering Sections 9-1.26 through the end of the chapter. Comm. Denning excused himself and left the meeting at approximately 4:15 p.m., which was at the beginning of the discussion regarding the temporary street closures.

(Minutes-Board of Commissioners-November 18, 2008)

ADOPTED: _____

APPROVED: _____
Mayor, Chairman of Board of Commissioners

ATTEST: _____
City Clerk

Minutes prepared by Assistant City Manager/City Clerk Katie Schaller