

**MINUTES of REGULAR MEETING
of the BOARD of COMMISSIONERS
of the CITY of BOWLING GREEN, KENTUCKY
held MARCH 19, 2013**

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 19, 2013. Mayor Bruce Wilkerson called the meeting to order. An invocation was given by Pastor Adam Shourds from 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 Joe W. Denning, Commissioner Melinda M. Hill, Commissioner Bill Waltrip, Commissioner Rick Williams and Mayor Bruce Wilkerson. 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 between the City and a representative of a business entity and discussion concerning a specific proposal, as open discussions would jeopardize the siting, retention, expansion or upgrading of the business. Motion was made by Hill and seconded by Waltrip to convene in closed session following the regular meeting pursuant to KRS 61.810 (1) (g). Mayor Wilkerson called for roll call vote.

ROLL CALL: Voting Yea: Denning, Hill, Waltrip, Williams and Wilkerson
 Voting Nay: None

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

He also withdrew item number 6 (Municipal Order No. 2013 – 45) from the agenda since the proposed events at Fountain Square Park and Circus Square Park had been moved to another location. Bowling Green Civil War Committee member Sharon Tabor provided an overview of the events to be held April 20-21, 2013 to commemorate the 150th Anniversary of the Civil War.

APPROVAL OF MINUTES

Minutes of Regular Meeting March 5, 2013

Minutes of the above-referenced meeting were distributed to the Board of Commissioners with the Agenda for their review. Motion was made by Waltrip and seconded by Williams to approve said minutes as written. Mayor Wilkerson asked for discussion, and with none, a roll call vote was taken.

ROLL CALL: Voting Yea: Denning, Hill, Waltrip, Williams and Wilkerson
 Voting Nay: None

Motion to approve the minutes of the regular meeting of March 5, 2013 was approved by unanimous vote.

PUBLIC COMMENTS

George Peterson of 2138 Smallhouse Road urged the Board of Commissioners to have an open public forum for interested persons to discuss the pros and cons of the Uniform Residential Landlord and Tenant Act (URLTA) or other possible options that could be considered to protect the rights of

tenants beyond Kentucky Common Law. With 50% of the Bowling Green population as tenants and less than 5% as landlords, he concluded that there ought to be sufficient regulations to balance the equation between landlords and tenants. Although he was not specifically suggesting the passage of URLTA, he presented a plea to support equity.

Comm. Denning expressed concerns that URLTA put everyone in the same category regardless of being an effective landlord. He remarked that the Board of Commissioners' major role was to make sure citizens were getting the best from the Code Enforcement program. He surmised that this was the key to protecting tenants and for landlords to provide appropriate housing. Mr. Peterson disagreed that Code Enforcement dealt with all of the issues involving tenants and landlords. He indicated that many of the issues have nothing to do with property maintenance or code enforcement. Comm. Denning stated he did not believe that it was the City's responsibility to be the legal intermediary between landlords and tenants.

Additional discussion occurred about the existing laws and ability of the City to enact regulations. Mayor Wilkerson recounted that the City had previously considered the enactment of URLTA in the past. While there may be a group of people that would like this discussion to continue about every two years, he specified it had already been addressed.

Dana Beasley-Brown, a member of Kentuckians for the Commonwealth (a state-wide grassroots community organization) and a resident of Bowling Green, explained that URLTA was not punitive and did not punish landlords for being landlords, but was preventative protecting those who are being harmed. She compared the URLTA regulations to that of the seatbelt law; it is there for your protection, and only imposes punishment if caught not using it. Ms. Brown also pointed out that there are no protections in Bowling Green for someone who reports a code enforcement violation. She indicated that many tenants are afraid of being evicted or retaliated against if they report a violation. She agreed that a public forum would be a good place to hear from both sides of the issue.

REGULAR AGENDA

ORDINANCE NO. BG2013 - 4

(Second Reading)

ORDINANCE REZONING REAL ESTATE

ORDINANCE REZONING TWO TRACTS OF LAND CONTAINING 0.3466 ACRE FROM RM-4 (MULTI-FAMILY RESIDENTIAL) TO OP-C (OFFICE PROFESSIONAL-COMMERCIAL) LOCATED AT 623 5TH AVENUE EAST AND 500 CHESTNUT STREET, PRESENTLY OWNED BY MILLER & YORK, LLC WITH FMZ PROPERTIES, LLC AS CONTRACT VENDEE

Title and summary of Ordinance No. BG2013 - 4 was read by the Assistant City Manager/City Clerk. Motion was made by Denning and seconded by Hill for second reading of said Ordinance. Mayor Wilkerson asked for discussion, and with none, a roll call vote was taken.

ROLL CALL: Voting Yea: Denning, Hill, Waltrip, Williams and Wilkerson
 Voting Nay: None

Ordinance No. BG2013 - 4 was adopted by unanimous vote.

MUNICIPAL ORDER NO. 2013 - 41

MUNICIPAL ORDER APPROVING THE REAPPOINTMENTS OF
BILL FINLEY, JOHN P. WILLIAMS AND LAURA SOUTHARD TO
THE URBAN GROWTH DESIGN REVIEW BOARD

Summary of Municipal Order No. 2013 - 41 was read by the Assistant City Manager/City Clerk. Motion was made by Waltrip and seconded by Hill for consideration of said Municipal Order. Mayor Wilkerson noted these were all reappointments and asked if there was any discussion. With none, a roll call vote was taken.

ROLL CALL: Voting Yea: Denning, Hill, Waltrip, Williams and Wilkerson
 Voting Nay: None

Municipal Order No. 2013 - 41 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2013 - 42

MUNICIPAL ORDER AUTHORIZING AND ACCEPTING BID
#2013-27 FOR THE PURCHASE OF A STREET SWEEPER FROM
TRI-STATE INTERNATIONAL TRUCKS, INC. OF BOWLING
GREEN, KENTUCKY IN THE AMOUNT OF \$163,971

Summary of Municipal Order No. 2013 - 42 was read by the Assistant City Manager/City Clerk. Motion was made by Waltrip and seconded by Hill for consideration of said Municipal Order. DeFebbo indicated that due to the current condition of existing equipment, there was a need to purchase a replacement. He explained that the City would be using under spending achieved from the lack of snow this year to help pay for the purchase. Based on the City's local bidder preference policy, he recommended the bid award to the local vendor.

As much as the Board would like for the City to keep its business local, Comm. Denning expressed concern with the amount of additional funds (\$4,103.50) being spent on this purchase. He recounted the motive behind establishing a local bidder preference policy which would allow a local purchase to be made even if not the lowest bidder. Although, instead of a percentage difference being used to determine if a local vendor qualified to be awarded the bid, he suggested a flat dollar amount be established and asked that the City Manager bring something to the Board in the future pertaining to this process. Nevertheless, he acquiesced that this particular purchase should be approved tonight based on existing policy.

City Attorney Gene Harmon pointed out that the current policy did specify the local vendor's bid amount had to be within 5% and could not exceed \$5,000 from the lowest responsive and responsible bid amount. Mr. DeFebbo confirmed that the current policy also had an expiration date of October 18, 2013, and at which time, the Board could decide whether or not it wanted to continue under the same or revised parameters or simply discontinue the policy altogether. Once the discussion ended, a roll call vote was taken.

ROLL CALL: Voting Yea: Denning, Hill, Waltrip, Williams and Wilkerson
 Voting Nay: None

Municipal Order No. 2013 - 42 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2013 - 43

MUNICIPAL ORDER APPROVING A CONTRACT THROUGH COOPERATIVE PURCHASE WITH MOTOROLA SOLUTIONS OF SCHAUMBURG, ILLINOIS UNDER THE KENTUCKY PRICING CONTRACT FOR THE PURCHASE OF TWENTY-FOUR (24) MOBILE RADIOS IN THE TOTAL AMOUNT OF \$78,950.40

Summary of Municipal Order No. 2013 - 43 was read by the Assistant City Manager/City Clerk. Motion was made by Waltrip and seconded by Hill for consideration of said Municipal Order. DeFebbo recommended the purchase of digital-ready radios through the use of previously awarded Homeland Security grant funds. Mayor Wilkerson asked for additional discussion, and with none, a roll call vote was taken.

ROLL CALL: Voting Yea: Denning, Hill, Waltrip, Williams and Wilkerson
 Voting Nay: None

Municipal Order No. 2013 - 43 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2013 - 44

MUNICIPAL ORDER APPROVING RECOMMENDATION FROM THE BOWLING GREEN AREA CONVENTION AND VISITORS BUREAU TO DISTRIBUTE \$400,000 OF TRANSIENT ROOM TAXES TO THE NATIONAL CORVETTE MUSEUM

Summary of Municipal Order No. 2013 - 44 was read by the Assistant City Manager/City Clerk. Motion was made by Denning and seconded by Hill for consideration of said Municipal Order. Under the City Manager comments portion of the meeting, Bowling Green Area Convention and Visitors Bureau (CVB) Executive Director Vicki Fitch provided an overview of the request to distribute Special Tourism Project funds for development of a Motorsports Park which was expected to generate more hotel/motel tax revenues through the economic development. Mayor Wilkerson asked if the facility would be available for use by the Police Department at no cost to the City. National Corvette Museum Finance and Human Resources Director Christy Thomas responded to questions and confirmed the facility would be available for public use, but there had not been any discussion to date about potential rental fees. With no additional discussion when the item actually came up for consideration on the agenda, a roll call vote was taken.

ROLL CALL: Voting Yea: Denning, Hill, Waltrip, Williams and Wilkerson
 Voting Nay: None

Municipal Order No. 2013 - 44 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2013 - 45

MUNICIPAL ORDER WAIVING FEES RELATED TO THE USE OF CITY PROPERTY BY THE BOWLING GREEN CIVIL WAR COMMITTEE FOR THE COMMEMORATION OF THE 150TH ANNIVERSARY OF THE CIVIL WAR

Municipal Order No. 2013 - 45 was previously withdrawn from the agenda.

MUNICIPAL ORDER NO. 2013 - 46

MUNICIPAL ORDER APPROVING AND AUTHORIZING THE
MAYOR TO EXECUTE THE AGREEMENT RELATED TO
PROVISION OF EMERGENCY POLICE SERVICES WITH THE
WARREN COUNTY REGIONAL JAIL

Summary of Municipal Order No. 2013 - 46 was read by the Assistant City Manager/City Clerk. Motion was made by Waltrip and seconded by Hill for consideration of said Municipal Order. DeFebbo indicated that the Police Chief had been approached by the Jailer to consider a reciprocal arrangement in the case of an emergency. Mayor Wilkerson asked for additional discussion, and with none, a roll call vote was taken.

ROLL CALL: Voting Yea: Denning, Hill, Waltrip, Williams and Wilkerson

 Voting Nay: None

Municipal Order No. 2013 - 46 was approved by unanimous vote.

CLOSED SESSION

Following a brief recess to clear the Commission Chamber, the Board of Commissioners met at approximately 7:50 p.m. in closed session pursuant to KRS 61.810 (1) (g) 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 8:15 p.m., Mayor Wilkerson declared this meeting adjourned.

WORK SESSION

Prior to the regular meeting and with no action taken, the Board of Commissioners, excluding Commissioner Denning, 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 (closed) Police and Firefighter Retirement Fund Actuarial Valuation and Report as of January 1, 2013 prepared by Bryan, Pendleton, Swats & McAllister, LLC. By a consensus of the majority of the Board, staff was directed to maintain the annual contribution provided by the City at \$400,000 for the Fiscal Year 2014 Annual Operating Budget which was currently in the planning stages.

ADOPTED: _____

APPROVED: _____
Mayor, Chairman of Board of Commissioners

ATTEST: _____
City Clerk