

**MINUTES of REGULAR MEETING
of the BOARD of COMMISSIONERS
of the CITY of BOWLING GREEN, KENTUCKY
held MARCH 4, 2014**

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 4, 2014. Mayor Bruce Wilkerson called the meeting to order. An invocation was given by Commissioner Rick Williams, 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 Rick Williams, Commissioner Joe W. Denning, Commissioner Melinda M. Hill, Commissioner Bill Waltrip and Mayor Bruce Wilkerson. Absent: none. There was a full quorum of the Board of Commissioners.

AWARDS & RECOGNITIONS

Mayor Wilkerson recognized the Police Department for receiving a 100% score for the Law Enforcement Scorecard. He also pointed out that Bowling Green is one of only two cities in Kentucky to have a Police Department receive five consecutive re-accreditations.

CITY MANAGER

City Manager Kevin D. DeFebbo requested a closed session for the purpose of discussion of proposed litigation on behalf of the City. Motion was made by Hill and seconded by Williams to convene in closed session following the regular meeting pursuant to KRS 61.810 (1) (c). Mayor Wilkerson called for roll call vote.

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

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

APPROVAL OF MINUTES

Minutes of Regular Meeting February 18, 2014

Minutes of the above-referenced meeting were distributed to the Board of Commissioners with the Agenda for their review. Motion was made by Hill 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: Williams, Denning, Hill, Waltrip and Wilkerson
 Voting Nay: None

Motion to approve the minutes of the regular meeting of February 18, 2014 was approved by unanimous vote.

PUBLIC COMMENTS

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

REGULAR AGENDA

ORDINANCE NO. BG2014 - 2

(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 2014

Title and summary of Ordinance No. BG2014 - 2 was read by the Assistant City Manager/City Clerk. Motion was made by Hill and seconded by Denning for second reading of said Ordinance. Mayor Wilkerson asked for discussion, and with none, a roll call vote was taken.

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

Ordinance No. BG2014 - 2 was adopted by unanimous vote.

ORDINANCE NO. BG2014 - 3

(Second Reading)

ORDINANCE AMENDING CODE OF ORDINANCES

ORDINANCE AMENDING CHAPTER 6 (BUILDING REGULATIONS), SUBCHAPTER 6-13 (CONTRACTOR LICENSING) OF THE CITY OF BOWLING GREEN CODE OF ORDINANCES AS REQUESTED BY THE CONTRACTORS LICENSING BOARD

Title and summary of Ordinance No. BG2014 - 3 was read by the Assistant City Manager/City Clerk. Motion was made by Hill and seconded by Williams for second reading of said Ordinance. Mayor Wilkerson asked for discussion, and with none, a roll call vote was taken.

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

Ordinance No. BG2014 - 3 was adopted by unanimous vote.

MUNICIPAL ORDER NO. 2014 - 29

MUNICIPAL ORDER APPROVING THE PROBATIONARY APPOINTMENT OF JOSHUA A. ATKINS TO THE POSITION OF COMMUNITY CENTER COORDINATOR IN THE PARKS AND RECREATION DEPARTMENT

Summary of Municipal Order No. 2014 - 29 was read by the Assistant City Manager/City Clerk. Motion was made by Hill and seconded by Williams for consideration of said Municipal Order. DeFebbo reviewed the position opening which followed a recent promotion and the application process undertaken to fill the vacancy. He recommended the appointment. Mayor Wilkerson asked for additional discussion, and with none, a roll call vote was taken.

ROLL CALL: Voting Yea: Williams, Denning, Hill, Waltrip and Wilkerson
 Voting Nay: None
Municipal Order No. 2014 - 29 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2014 - 30

MUNICIPAL ORDER APPROVING THE REAPPOINTMENTS OF
SHIRLEY CARTER AND LYNDA NEALE TO THE HOBSON
HOUSE COMMISSION

Summary of Municipal Order No. 2014 - 30 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 asked for discussion, and with none, a roll call vote was taken.

ROLL CALL: Voting Yea: Williams, Denning, Hill, Waltrip and Wilkerson
 Voting Nay: None
Municipal Order No. 2014 - 30 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2014 - 31

MUNICIPAL ORDER APPROVING THE REAPPOINTMENT OF
CHIP HIGHTOWER TO THE URBAN GROWTH DESIGN REVIEW
BOARD

Summary of Municipal Order No. 2014 - 31 was read by the Assistant City Manager/City Clerk. Motion was made by Hill and seconded by Waltrip for consideration of said Municipal Order. Mayor Wilkerson asked for discussion, and with none, a roll call vote was taken.

ROLL CALL: Voting Yea: Williams, Denning, Hill, Waltrip and Wilkerson
 Voting Nay: None
Municipal Order No. 2014 - 31 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2014 - 32

MUNICIPAL ORDER APPROVING THE REAPPOINTMENT OF
DAVID WISEMAN TO THE BOWLING GREEN-WARREN
COUNTY REGIONAL AIRPORT BOARD

Summary of Municipal Order No. 2014 - 32 was read by the Assistant City Manager/City Clerk. Motion was made by Denning and seconded by Hill for consideration of said Municipal Order. Mayor Wilkerson asked for discussion, and with none, a roll call vote was taken.

ROLL CALL: Voting Yea: Williams, Denning, Hill, Waltrip and Wilkerson
 Voting Nay: None
Municipal Order No. 2014 - 32 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2014 - 33

MUNICIPAL ORDER AUTHORIZING AND ACCEPTING BID
#2014-11 FOR THE PURCHASE OF TWO LEAF COLLECTOR

MACHINES FROM THE AMERICAN ROAD MACHINERY COMPANY OF MINERVA, OHIO IN THE TOTAL AMOUNT OF \$71,728.50

Summary of Municipal Order No. 2014 - 33 was read by the Assistant City Manager/City Clerk. Motion was made by Hill and seconded by Waltrip for consideration of said Municipal Order. DeFebbo reviewed the annual leaf pick-up service provided to the community and the need to replace some equipment associated with that program. Mayor Wilkerson asked for additional discussion, and with none, a roll call vote was taken.

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

Municipal Order No. 2014 - 33 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2014 - 34

MUNICIPAL ORDER AUTHORIZING AND ACCEPTING BID #2014-21 FOR THE PURCHASE OF A FULL SIZE PASSENGER VAN FOR THE PARKS AND RECREATION DEPARTMENT FROM CAMPBELL CHEVROLET OF BOWLING GREEN, KENTUCKY IN THE TOTAL AMOUNT OF \$24,538

Summary of Municipal Order No. 2014 - 34 was read by the Assistant City Manager/City Clerk. Motion was made by Hill and seconded by Williams for consideration of said Municipal Order. DeFebbo reviewed the bid process and recommended the award based on the revised Local Preference Policy. Mayor Wilkerson asked for additional discussion, and with none, a roll call vote was taken.

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

Municipal Order No. 2014 - 34 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2014 - 35

MUNICIPAL ORDER REPEALING MUNICIPAL ORDER NO. 2014-12 AND ACCEPTING BID #2014-18 FOR POLICE VEHICLE EQUIPMENT FROM LAW ENFORCEMENT SUPPLY OF MARIETTA, GEORGIA, TRUCKERS LIGHTHOUSE OF NASHVILLE, TENNESSEE AND ON-DUTY DEPOT OF OWENSBORO, KENTUCKY IN THE TOTAL AMOUNT OF \$53,914.92

Summary of Municipal Order No. 2014 - 35 was read by the Assistant City Manager/City Clerk. Motion was made by Hill and seconded by Waltrip for consideration of said Municipal Order. DeFebbo explained that following the approval for the purchase of Police vehicle equipment at the February 4th meeting, it became apparent that some companies could not meet the specifications of three different categories of items bid. He recommended awarding the bid to the next lowest bidder that met specifications with regard to those three items, which caused the total amount for the bid to increase by a little over \$5,000. Mayor Wilkerson inquired if the City kept records of those

companies that did not meet specifications. Mr. DeFebbo stated that information would be kept on file. With no other discussion, a roll call vote was taken.

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

Municipal Order No. 2014 - 35 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2014 - 36

MUNICIPAL ORDER AUTHORIZING AND ACCEPTING THE PURCHASE OF IN-CAR CAMERAS FOR THE POLICE DEPARTMENT FROM COBAN TECHNOLOGIES, INC. OF HOUSTON, TEXAS IN AN AMOUNT NOT TO EXCEED \$43,155

Summary of Municipal Order No. 2014 - 36 was read by the Assistant City Manager/City Clerk. Motion was made by Hill and seconded by Denning for consideration of said Municipal Order. DeFebbo indicated that the new Police cruisers purchased for this year need to be outfitted with cameras. He recommended approval of the purchase using funds from under spending. Mayor Wilkerson asked for additional discussion, and with none, a roll call vote was taken.

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

Municipal Order No. 2014 - 36 was approved by unanimous vote.

ORDINANCE NO. BG2014 - 4

(First Reading)

ORDINANCE REZONING REAL ESTATE

ORDINANCE REZONING TRACTS OF LAND CONTAINING 5.94 ACRES FROM RM-4 (MULTI-FAMILY RESIDENTIAL) AND PUD (PLANNED UNIT DEVELOPMENT) TO PUD (PLANNED UNIT DEVELOPMENT) LOCATED ON 13TH AVENUE BETWEEN KENTUCKY STREET AND CENTER STREET, AND AT THE SOUTHWEST CORNER OF THE INTERSECTION OF 13TH AVENUE AND CENTER STREET, PRESENTLY OWNED BY BROOKSIDE KENTUCKY, LLC, MICHAEL GRAY CAUDILL, NEILL CAUDILL, ELIZABETH CAUDILL, GRETCHEN BRODERICK, MICHAEL COVEY AND CROCKER, LLC, WITH BROOKSIDE KENTUCKY, LLC AS CONTRACT VENDEE

Title and summary of Ordinance No. BG2014 - 4 was read by the Assistant City Manager/City Clerk. Motion was made by Waltrip and seconded by Hill for first reading of said Ordinance. Mayor Wilkerson asked for discussion, and with none, a roll call vote was taken.

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

First reading of Ordinance No. BG2014 - 4 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2014 - 37

MUNICIPAL ORDER APPROVING AND AUTHORIZING OUT-OF-TOWN TRAVEL EXPENSES FOR CITY MANAGER KEVIN D. DEFEBBO TO ATTEND THE KENTUCKY LEAGUE OF CITIES (KLC) CITY DAY/CITY NIGHT AND KENTUCKY CITY/COUNTY MANAGEMENT ASSOCIATION (KCCMA) 2014 WINTER CONFERENCE IN FRANKFORT, KENTUCKY

Summary of Municipal Order No. 2014 - 37 was read by the Assistant City Manager/City Clerk. Motion was made by Hill and seconded by Williams for consideration of said Municipal Order. DeFebbo commented about the KLC legislative reception and the KCCMA Conference he attended. Mayor Wilkerson pointed out that the City Manager approves travel of all other City staff and the Board of Commissioners approves the City Manager's travel. With no other discussion, a roll call vote was taken.

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

Municipal Order No. 2014 - 37 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2014 - 38

MUNICIPAL ORDER APPROVING PAYMENT IN LIEU OF TAXES (PILOT) AGREEMENT RELATED TO THE VVI FULFILLMENT CENTER, INC. INDUSTRIAL PROJECT INVOLVING THE CITY OF BOWLING GREEN, COUNTY OF WARREN, BOARD OF EDUCATION OF WARREN COUNTY AND VVI FULFILLMENT CENTER, INC.

Summary of Municipal Order No. 2014 - 38 was read by the Assistant City Manager/City Clerk. Motion was made by Waltrip and seconded by Hill for consideration of said Municipal Order. City Attorney Gene Harmon indicated that with the issuance of Industrial Revenue Bonds (IRB) by the County for an economic development expansion project, the property would be removed from the tax rolls for the next 20 years. He reviewed the terms of the PILOT Agreement which stipulates the City and County would receive partial property tax payments in years 11-20 of the IRB, while the school district would continue to receive 100% for the full term. Mayor Wilkerson asked for additional discussion, and with none, a roll call vote was taken.

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

Municipal Order No. 2014 - 38 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2014 - 39

MUNICIPAL ORDER AUTHORIZING THE CITY OF BOWLING GREEN TO JOIN A DECLARATORY JUDGMENT LAWSUIT AGAINST THE KENTUCKY DEPARTMENT OF INSURANCE TO RECOVER CITY FUNDS LOANED TO THE KENTUCKY SCHOOL BOARDS INSURANCE TRUST IN 2010 FROM KENTUCKY

LEAGUE OF CITIES INSURANCE SERVICES (KLCIS)
ASSOCIATION WORKERS' COMPENSATION FUND AND
APPROVING LETTER FROM THE MAYOR SUPPORTING THIS
ACTION

Summary of Municipal Order No. 2014 - 39 was read by the Assistant City Manager/City Clerk. Motion was made by Hill and seconded by Williams for consideration of said Municipal Order. As a member of the Kentucky League of Cities (KLC) Board, Mayor Wilkerson explained the purpose for this action and the need for the City's support. He indicated that if the loans were not repaid to KLCIS, there was a potential for the City's premiums to be increased. City Attorney Gene Harmon further explained the issue. Once the discussion ended, a roll call vote was taken.

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

Municipal Order No. 2014 - 39 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2014 - 40

MUNICIPAL ORDER APPROVING SETTLEMENT AGREEMENT
AND RELEASE RELATED TO THE CIVIL ACTION INVOLVING
VISION DEVELOPMENT, LLC, BOWLING GREEN MUNICIPAL
UTILITIES BOARD AND THE CITY OF BOWLING GREEN

Summary of Municipal Order No. 2014 - 40 was read by the Assistant City Manager/City Clerk. Motion was made by Williams and seconded by Waltrip for consideration of said Municipal Order. Since Mayor Wilkerson was a resident of Traditions (the housing development involved in the issue), he stepped back and requested that Mayor Pro Tem Hill preside over this item. City Attorney Gene Harmon summarized the litigation issue and subsequent settlement agreement which would require repayment by Vision Development for its portion of a sewer line extension. Even though the City was not an active participant in the sewer line extension project, Mr. Harmon explained that the City was a party to the agreement by virtue of being involved with obtaining funding for the project through a Kentucky Infrastructure Association loan. Following the discussion, a roll call vote was taken.

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

Municipal Order No. 2014 - 40 was approved by majority vote.

ORDINANCE NO. BG2014 - 5

(First Reading)

ORDINANCE AMENDING CODE OF ORDINANCES

ORDINANCE AMENDING CHAPTER 15 (BUSINESS AND
GENERAL REGULATIONS) OF THE CITY OF BOWLING GREEN
CODE OF ORDINANCES TO ADD A NEW SUBCHAPTER
RELATED TO TOWING OF VEHICLES FROM PRIVATE PARKING
LOTS AND THE REGULATION OF PRIVATE TOW OPERATORS

Title and summary of Ordinance No. BG2014 - 5 was read by the Assistant City Manager/City Clerk. Motion was made by Hill and seconded by Williams for first reading of said Ordinance. DeFebbo indicated that following the earlier work session discussion some changes had been made to the drafted ordinance. Mayor Wilkerson commented about the ability to come to a reasonable compromise and consider regulations that would be for the greater good of the community. Commissioner Denning thanked Mr. Huff, owner of Southside Towing, for participating in the discussion and presenting his concerns to the Board. Commissioner Williams commended City Attorney Gene Harmon for his work on the issue and also thanked Mr. Huff, as well as Commissioner Hill for her participation in the process. He also remarked that if a sign says do not park there, then do not park there and there should not be any problems. Once the discussion ended, a roll call vote was taken.

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

First reading of Ordinance No. BG2014 - 5 was approved by unanimous 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) (c) as previously approved. Mr. DeFebbo confirmed that no action would follow the discussion.

ADJOURNMENT

Once all discussion concluded in closed session and there being no further business to come before the Board of Commissioners, at approximately 8:05 p.m., Mayor Wilkerson 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 once again discuss proposed amendments to Chapter 15 (Business and General Regulations) related to the towing of vehicles from private parking lots and the regulation of private tow operators.

ADOPTED: _____

APPROVED: _____
Mayor, Chairman of Board of Commissioners

ATTEST: _____
City Clerk

Minutes prepared by Assistant City Manager/City Clerk Katie Schaller