

**MINUTES of REGULAR MEETING
of the BOARD of COMMISSIONERS
of the CITY of BOWLING GREEN, KENTUCKY
held FEBRUARY 5, 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 February 5, 2013. Mayor Bruce Wilkerson called the meeting to order. An invocation was given by Police Chaplain Joe Causey, 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 Melinda M. Hill, Commissioner Bill Waltrip, Commissioner Rick Williams, Commissioner Joe W. Denning and Mayor Bruce Wilkerson. Absent: none. There was a full quorum of the Board of Commissioners.

AWARDS & RECOGNITIONS

Operation P.R.I.D.E. Executive Director Quentin Hughes presented P.R.I.D.E.'s monthly commercial award to Attorneys Thomas Poole, Phillip Kimble and John Deeb for improvements made to 418 E. 10th Avenue. Mr. Deeb expressed his appreciation for the recognition and gave credit to Terry Hatler Construction for completing the work.

Mayor Wilkerson announced the retirements of Police Detective Barry Raley with almost 20 years of service, Assistant Police Chief Clark Arnold with 21 years of service and Police Sergeant John Houghton with 18 years of service. He noted that both Mr. Arnold and Mr. Houghton were both being called up for active military service which prompted the retirements.

CITY MANAGER

City Manager Kevin D. DeFebbo requested a closed session for the purpose of discussion on the future acquisition and sale of real properties by the City as publicity would likely affect the value of the specific pieces of property to be acquired for public use and sold by the City; and for discussion between the City and a representative of a business entity and discussion concerning a specific proposal, if open discussion would jeopardize the siting of the business. Motion was made by Waltrip and seconded by Hill to convene in closed session following the regular meeting pursuant to KRS 61.810 (1) (b) and (g). Mayor Wilkerson called for roll call vote.

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

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

AFRICAN AMERICAN MUSEUM QUARTERLY REPORTS

For July – September and October – December 2012, Board Chairman Dr. John Long gave a brief presentation regarding the activities and accomplishments of the African American Museum of Bowling Green Association (AAMBGA). Mr. Long recognized each of the Board members who were also in attendance at the meeting.

APPROVAL OF MINUTES

Minutes of Regular Meeting January 15, 2013

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 Denning to approve said minutes as written. Mayor Wilkerson asked for discussion, and with none, a roll call vote was taken.

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

Motion to approve the minutes of the regular meeting of January 15, 2013 was approved by unanimous vote.

PUBLIC COMMENTS

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

REGULAR AGENDA

ORDINANCE NO. BG2013 - 1

(Second Reading)

ORDINANCE ANNEXING PROPERTY BY CONSENT

ORDINANCE ANNEXING 8.31 ACRES OF PROPERTY LOCATED ON SMALLHOUSE ROAD NEAR THE INTERSECTION OF CAVE MILL ROAD, WITH PROPERTY PRESENTLY OWNED BY SMALLHOUSE ROAD PARTNERS, LLC, AND 1.56 ACRES OF RIGHT-OF-WAY, FOR A TOTAL OF 9.87 ACRES, AND SAID TERRITORY BEING CONTIGUOUS TO EXISTING CITY LIMITS

Title and summary of Ordinance No. BG2013 - 1 was read by the Assistant City Manager/City Clerk. Motion was made by Hill and seconded by Waltrip for second reading of said Ordinance. Mayor Wilkerson asked for discussion, and with none, a roll call vote was taken.

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

Ordinance No. BG2013 - 1 was adopted by majority vote. Mayor Wilkerson abstained stating he had a conflict of interest.

MUNICIPAL ORDER NO. 2013 - 20

MUNICIPAL ORDER APPROVING THE PROMOTIONS OF MELANIE A. WATTS TO THE POSITION OF ASSISTANT POLICE CHIEF, MATTHEW A. EDWARDS TO THE POSITION OF POLICE CAPTAIN AND MICHAEL E. KEFFER AND JASON D. SCOTT TO THE POSITION OF POLICE SERGEANT IN THE POLICE DEPARTMENT

Summary of Municipal Order No. 2013 - 20 was read by the Assistant City Manager/City Clerk. Motion was made by Waltrip and seconded by Hill for consideration of said Municipal Order. In regard to the retirements mentioned earlier, Police Chief Doug Hawkins took a few minutes to recognize several Police personnel who have also served as active duty military in the past few years. Bringing his attention back to the item under consideration, Chief Hawkins reviewed each individual's qualifications and recommended them for promotion. Comm. Denning reminisced about his former service as a Bowling Green Police Officer and State Trooper. He also remarked about the caliber of personnel who earned their promotions. After congratulating them, Mayor Wilkerson asked for a roll call vote was taken.

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

Municipal Order No. 2013 - 20 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2013 - 21

MUNICIPAL ORDER APPROVING THE APPOINTMENT OF
WILLIS R. LEACH TO THE BOWLING GREEN-WARREN
COUNTY MILITARY LIAISON BOARD

Summary of Municipal Order No. 2013 - 21 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 indicated this appointment was to fill the term vacated by Ray Lackey. He asked for additional discussion, and with none, a roll call vote was taken.

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

Municipal Order No. 2013 - 21 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2013 - 22

MUNICIPAL ORDER APPROVING THE APPOINTMENT OF
KAREN FOLEY TO THE UNIVERSITY DISTRICT REVIEW
COMMITTEE

Summary of Municipal Order No. 2013 - 22 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 recounted that although a previous revision to the Zoning Ordinance removed the requirement for an elected official to be appointed to this committee, it still called for a representative from the City. Mr. DeFebbo indicated he thought Neighborhood Services Coordinator Karen Foley would be a good fit. Once the discussion ended, a roll call vote was taken.

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

Municipal Order No. 2013 - 22 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2013 - 23

MUNICIPAL ORDER AUTHORIZING AND ACCEPTING OF BID
#2013-22 FOR UNIFORMS FOR THE POLICE DEPARTMENT

FROM BLUEGRASS UNIFORMS, INC. AND NAT'S OUTDOOR
SPORTS OF BOWLING GREEN, KENTUCKY FOR TOTAL GROUP
COSTS OF \$16,178.70

Summary of Municipal Order No. 2013 - 23 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 reviewed and recommended the bid awards to properly outfit Police personnel. Mayor Wilkerson asked for additional discussion, and with none, a roll call vote was taken.

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

Municipal Order No. 2013 - 23 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2013 - 24

MUNICIPAL ORDER AUTHORIZING AND ACCEPTING BID
#2013-07 FOR IN-CAR VIDEO PROJECT DIGITAL VIDEO SYSTEM
FROM COBAN TECHNOLOGIES, INC. OF HOUSTON, TEXAS IN
AN AMOUNT NOT TO EXCEED \$73,275

Summary of Municipal Order No. 2013 - 24 was read by the Assistant City Manager/City Clerk. Motion was made by Waltrip and seconded by Hill for consideration of said Municipal Order. Due to unforeseen circumstances with the previous company (International Police Technologies) going bankrupt from which the City purchased in-car video systems and equipment, Mr. DeFebbo explained the need to transition to another platform for in-car video systems. In combination with Municipal Order Nos. 2013 - 25 and 2013 - 26, Police Chief Doug Hawkins provided an overview of the circumstances and the bidding process to seek a different system to eventually re-outfit all Police vehicles, establish a new wireless network to be located on site for automatic download of data and the purchase of a new server to store the data. Mayor Wilkerson asked for additional discussion, and with none, a roll call vote was taken.

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

Municipal Order No. 2013 - 24 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2013 - 25

MUNICIPAL ORDER AUTHORIZING AND ACCEPTING BID
#2013-08 FOR IN-CAR VIDEO PROJECT NET APP STORAGE
FROM JBK NETWORK CONSULTING OF BOWLING GREEN,
KENTUCKY IN AN AMOUNT NOT TO EXCEED \$88,111.70

Summary of Municipal Order No. 2013 - 25 was read by the Assistant City Manager/City Clerk. Motion was made by Waltrip and seconded by Hill for consideration of said Municipal Order. Since this item was discussed in combination with Municipal Order No. 2013 - 24, Mayor Wilkerson asked for additional discussion, and with none, a roll call vote was taken.

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

Municipal Order No. 2013 - 25 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2013 - 26

MUNICIPAL ORDER AUTHORIZING AND ACCEPTING BID #2013-09 FOR IN-CAR VIDEO PROJECT GENERAL PURPOSE HARDWARE / SOFTWARE FROM JBK NETWORK CONSULTING OF BOWLING GREEN, KENTUCKY IN AN AMOUNT NOT TO EXCEED \$53,573.86

Summary of Municipal Order No. 2013 - 26 was read by the Assistant City Manager/City Clerk. Motion was made by Hill and seconded by Waltrip for consideration of said Municipal Order. Since this item was also discussed in combination with Municipal Order No. 2013 - 24, Mayor Wilkerson asked for additional discussion, and with none, a roll call vote was taken.

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

Municipal Order No. 2013 - 26 was approved by unanimous vote.

ORDINANCE NO. BG2013 - 2

(First Reading)

ORDINANCE RELATING TO CABLE TELEVISION FRANCHISE

AN ORDINANCE OF THE CITY OF BOWLING GREEN SECTION OF THE BOWLING GREEN-WARREN COUNTY CABLE FRANCHISE AUTHORITY APPROVING EXTENSION OF NON-EXCLUSIVE CABLE FRANCHISE AGREEMENT WITH INSIGHT KENTUCKY PARTNERS II, L.P.

Title and summary of Ordinance No. BG2013 - 2 was read by the Assistant City Manager/City Clerk. Motion was made by Waltrip and seconded by Hill for first reading of said Ordinance. DeFebbo announced that the City recently developed a new program, *BG Mythbusters*, for the viewing public to better understand issues like the existing cable franchise and the limited ability of the City and County to regulate cable television. He noted that more program topics were under development and would be released on a monthly basis to reveal the truth about common misconceptions.

City Attorney Gene Harmon reviewed the nonexclusive franchise agreement which has been in place since 1996. He explained that this action provided for a two year extension of the existing franchise agreement. Although difficult to achieve, he also noted that the Cable Authority would continue to negotiate for additional services/enhancements for the next franchise agreement renewal.

Following additional discussion regarding the purpose of a franchise agreement, Mr. Harmon reiterated that as a nonexclusive franchise, the City welcomed competition. Once all discussion ended, a roll call vote was taken.

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

First reading of Ordinance No. BG2013 - 2 was approved by majority vote.

MUNICIPAL ORDER NO. 2013 - 27

MUNICIPAL ORDER APPROVING AND AUTHORIZING THE MAYOR TO EXECUTE AGREEMENT FOR TRANSFER OF OWNERSHIP AND MAINTENANCE RESPONSIBILITY OF PORTIONS OF STATE STREET AND NORMAL STREET BETWEEN THE CITY OF BOWLING GREEN AND WESTERN KENTUCKY UNIVERSITY (WKU)

Summary of Municipal Order No. 2013 - 27 was read by the Assistant City Manager/City Clerk. Motion was made by Waltrip and seconded by Williams for consideration of said Municipal Order. DeFebbo recounted this issue was discussed at a previous work session. He emphasized that the roadway would remain open for public use. Bryan Russell, Director of WKU Planning, Design and Construction, responded to questions about the benefit to having University ownership and maintenance of the roadway which would help make it more pedestrian friendly by reducing the speed limit, widening the sidewalks and installing bus pull-offs. City Attorney Gene Harmon pointed out that the agreement stipulated it would take Board of Commissioners approval to ever change the street to one-way, but otherwise WKU would have full responsibility for all maintenance needs associated with streets. Mr. Russell also responded to questions about WKU's policies and procedures related to utility street cuts. Following the discussion, a roll call vote was taken.

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

Municipal Order No. 2013 - 27 was approved by unanimous vote.

ORDINANCE NO. BG2013 - 3

(First Reading)

ORDINANCE RELATING TO BUDGET AMENDMENT

ORDINANCE APPROVING AMENDMENT NUMBER TWO TO THE CITY OF BOWLING GREEN, KENTUCKY ANNUAL OPERATING BUDGET FOR FISCAL YEAR 2013

Title and summary of Ordinance No. BG2013 - 3 was read by the Assistant City Manager/City Clerk. Motion was made by Hill and seconded by Denning for first reading of said Ordinance. DeFebbo indicated that periodically management of the budget was done through the budget amendment process which required the Board's approval. Mayor Wilkerson asked for additional discussion, and with none, a roll call vote was taken.

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

First reading of Ordinance No. BG2013 - 3 was approved by unanimous vote.

EXPRESSION OF SYMPATHY

Comm. Waltrip expressed condolences to the family of retired Bowling Green Police Officer Charles Hunter, who had recently passed away.

CLOSED SESSION

Following a brief recess to clear the Commission Chamber, the Board of Commissioners met at approximately 8:15 p.m. in closed session pursuant to KRS 61.810 (1) (b) and (g) as previously approved. Mr. DeFebbo confirmed that no action was expected to following 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 8:55 p.m., Mayor Wilkerson declared this meeting adjourned.

ADOPTED: _____

APPROVED: _____
Mayor, Chairman of Board of Commissioners

ATTEST: _____
City Clerk

Minutes prepared by Assistant City Manager/City Clerk Katie Schaller