

**MINUTES of REGULAR MEETING
of the BOARD of COMMISSIONERS
of the CITY of BOWLING GREEN, KENTUCKY
held JANUARY 3, 2012**

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 January 3, 2012. Mayor Bruce Wilkerson called the meeting to order. An invocation was given by Mayor 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 Melinda M. Hill, Commissioner Brian "Slim" Nash, Commissioner Bill Waltrip and Mayor Bruce Wilkerson. Absent: Commissioner Joe W. Denning. There was a quorum of the Board of Commissioners. Mayor Wilkerson indicated that Comm. Denning was under the weather and expressed the Commissioner's regrets for being unable to attend the meeting.

AWARDS & RECOGNITIONS

Mayor Wilkerson announced the recent retirement of Communications Supervisor Becky Burns after 33 years of service.

CITY MANAGER

City Manager Kevin D. DeFebbo had no comments at this time.

APPROVAL OF MINUTES

Minutes of Regular Meeting December 20, 2011

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 Nash 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, Nash, Waltrip and Wilkerson
 Voting Nay: None

Motion to approve the minutes of the regular meeting of December 20, 2011 was approved by unanimous vote.

PUBLIC COMMENTS

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

REGULAR AGENDA

**ORDINANCE NO. BG2011 - 53
(Second 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 FRANCHISE EXTENSION AGREEMENTS WITH INSIGHT KENTUCKY PARTNERS II, L.P. AND TIME WARNER CABLE, INC., AND AUTHORIZING THE MAYOR TO EXECUTE THE AGREEMENTS ON BEHALF OF THE CITY

Title and summary of Ordinance No. BG2011 - 53 was read by the Assistant City Manager/City Clerk. Motion was made by Waltrip and seconded by Nash for second reading of said Ordinance. Comm. Nash said he received multiple emails over the past several months concerning the City's cable franchise agreement with Insight. He recapped that this was not an exclusive franchise agreement, meaning that any cable provider choosing to operate in the City was free to do so at any time. However, he surmised that the difficulty for another cable company to come in to the City might be that Insight paid for and owns all the existing infrastructure and would probably not loan or rent that infrastructure to another cable provider. In that regard, Comm. Nash commented that the upfront cost for a new cable provider might outweigh any desire for that company to establish competition with a long standing cable provider such as Insight.

As part of the Bowling Green Municipal Utilities (BGMU) Board, Comm. Nash also reported that he has traveled to several locations to investigate if BGMU would want to get into the business of being a cable provider. Although, he commented that he would like to see that happen, the reality of it did not make financial sense. He further pointed out that there was nothing about what the Board of Commissioners was approving that would financially benefit the City, nor was there anything that would prevent another cable provider from coming into Bowling Green and operating. He summarized by saying that he hoped this information would help people understand that the City had very little, if any, control over getting another cable provider to operate here and offer competition.

Mayor Wilkerson reiterated that the only things that the City had control over in the franchise agreement were to make sure there are public and governmental access channels, regulate rates on the basic package service, and set the minimum number of subscribers (households) needed in a particular mile in order to expand that service. City Attorney Gene Harmon concurred and indicated that this was only for a thirteen month extension to allow the transfer to take place with Time Warner and then to continue negotiations for a longer franchise extension. He specified that several issues would continue to be pursued, including customer service concerns, rights-of-way protection and a Louisville or Lexington station. Once all discussion ended, a roll call vote was taken.

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

Ordinance No. BG2011 - 53 was adopted by unanimous vote.

MUNICIPAL ORDER NO. 2012 - 1

MUNICIPAL ORDER APPROVING THE REAPPOINTMENTS OF KIMBERLY BOUCHEY, DONNIE BROWN, ROGER MILLER AND JOE GENTRY TO THE BOWLING GREEN-WARREN COUNTY MILITARY LIAISON BOARD

Summary of Municipal Order No. 2012 - 1 was read by the Assistant City Manager/City Clerk. Motion was made by Waltrip and seconded by Nash for consideration of said Municipal

Order. Mayor Wilkerson asked for discussion, and with none, a roll call vote was taken.

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

Municipal Order No. 2012 - 1 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2012 - 2

MUNICIPAL ORDER APPROVING THE REAPPOINTMENT OF
SENAD VELETANLIC TO THE GREENWAYS COMMISSION OF
BOWLING GREEN AND WARREN COUNTY

Summary of Municipal Order No. 2012 - 2 was read by the Assistant City Manager/City Clerk. Motion was made by Nash 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: Hill, Nash, Waltrip and Wilkerson
 Voting Nay: None

Municipal Order No. 2012 - 2 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2012 - 3

MUNICIPAL ORDER APPROVING THE CAREER PATH
ADVANCEMENT OF ROBERT J. STAMATIS TO THE POSITION
OF EQUIPMENT TECHNICIAN - MASTER IN THE PUBLIC
WORKS DEPARTMENT

Summary of Municipal Order No. 2012 - 3 was read by the Assistant City Manager/City Clerk. Motion was made by Nash and seconded by Waltrip for consideration of said Municipal Order. DeFebbo reviewed the career path program requirements, which have been met, and he recommended the promotion. Mayor Wilkerson asked for additional discussion, and with none, a roll call vote was taken.

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

Municipal Order No. 2012 - 3 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2012 - 4

MUNICIPAL ORDER AUTHORIZING THE CONTINUATION OF
AN AGREEMENT AS EMPLOYEE BENEFITS BROKER/AGENT
WITH SHERRILL D. MORGAN & ASSOCIATES OF COVINGTON,
KENTUCKY

Summary of Municipal Order No. 2012 - 4 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 commented about changes made in the City's healthcare program over the past few years to help control costs and to provide more stability. He recommended approval for the continuation of the contract for an additional year. He noted that these services would be bid out again next year. Human Resources and Risk Management Director Michael Grubbs responded to an inquiry about the

bidding timeline. Mayor Wilkerson asked for additional discussion, and with none, a roll call vote was taken.

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

Municipal Order No. 2012 - 4 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2012 - 5

MUNICIPAL ORDER AUTHORIZING THE SUBMISSION AND ACCEPTANCE OF A GRANT APPLICATION TO THE KENTUCKY LEAGUE OF CITIES INSURANCE SERVICES (KLCIS) FOR THE 2011-2012 SAFETY GRANT PROGRAM IN THE AMOUNT OF \$6,000

Summary of Municipal Order No. 2012 - 5 was read by the Assistant City Manager/City Clerk. Motion was made by Nash and seconded by Hill for consideration of said Municipal Order. DeFebbo reviewed the grant program and the proposal to use the funds to cover 50% of the cost related to the Hearing Conservation Program and to purchase riot control respiratory protection equipment. Mayor Wilkerson asked for additional discussion, and with none, a roll call vote was taken.

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

Municipal Order No. 2012 - 5 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2012 - 6

MUNICIPAL ORDER APPROVING AN AMENDMENT TO THE GRANT AGREEMENT WITH THE U.S. DEPARTMENT OF HOMELAND SECURITY FOR 2009 ASSISTANCE TO FIREFIGHTERS GRANT PROGRAM FUNDS, AND AUTHORIZING A CONTRACT THROUGH NONCOMPETITIVE NEGOTIATIONS WITH MOTOROLA OF CHARLOTTE, NORTH CAROLINA UNDER KENTUCKY STATE PRICING FOR THE PURCHASE OF ADDITIONAL MOTOROLA RADIOS IN THE TOTAL AMOUNT NOT TO EXCEED \$27,400 FOR THE FIRE DEPARTMENT

Summary of Municipal Order No. 2012 - 6 was read by the Assistant City Manager/City Clerk. Motion was made by Nash and seconded by Hill for consideration of said Municipal Order. In an ongoing effort to improve communications for first responders, Mr. DeFebbo outlined the ability to access grant funds for the purchase of additional radios since not all funds previously awarded had been completely spent. He specified there was a 20% match required which would be paid from the Fire Improvement Fund. Mayor Wilkerson asked for additional discussion, and with none, a roll call vote was taken.

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

Municipal Order No. 2012 - 6 was approved by unanimous vote.

ORDINANCE NO. BG2012 - 1
(First Reading)
ORDINANCE AMENDING ZONING ORDINANCE

ORDINANCE AMENDING ARTICLES 2.7, 3.18, 4.9.2 AND APPENDIX A-EXHIBIT C 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. BG2012 - 1 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: Hill, Nash, Waltrip and Wilkerson
 Voting Nay: None

First reading of Ordinance No. BG2012 - 1 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2012 - 7

MUNICIPAL ORDER APPROVING A KENTUCKY INFRASTRUCTURE AUTHORITY (KIA) FEDERALLY ASSISTED DRINKING WATER REVOLVING LOAN FUND CONDITIONAL COMMITMENT LETTER AND AGREEMENT IN THE AMOUNT OF \$1,316,378 FOR THE SMALL WATERLINE REPLACEMENT PROJECT

Summary of Municipal Order No. 2012 - 7 was read by the Assistant City Manager/City Clerk. Motion was made by Nash and seconded by Hill for consideration of said Municipal Order. DeFebbo reviewed the KIA loan program and BGMU's responsibility for loan repayment. Mayor Wilkerson asked for additional discussion, and with none, a roll call vote was taken.

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

Municipal Order No. 2012 - 7 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2012 - 8

MUNICIPAL ORDER ADOPTING THE BARREN RIVER AREA HAZARD MITIGATION PLAN BY THE CITY OF BOWLING GREEN, KENTUCKY

Summary of Municipal Order No. 2012 - 8 was read by the Assistant City Manager/City Clerk. Motion was made by Hill and seconded by Nash for consideration of said Municipal Order. With the Federal Emergency Management Agency (FEMA) encouraging a regionally based action plan for disaster response, Mr. DeFebbo recommended approval of the updated Plan. Warren County Emergency Management Director Ronnie Pearson recounted that the original Hazard Mitigation Plan was adopted by the City in 2006. He explained that all local governments in the Barren River area were required to approve the updated Plan in order to access funds to mitigate issues following a

disaster. Mr. Pearson confirmed that no City money was obligated by the adoption of this Plan. Mayor Wilkerson asked for additional discussion, and with none, a roll call vote was taken.

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

Municipal Order No. 2012 - 8 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2012 - 9

**MUNICIPAL ORDER AUTHORIZING THE HOUSING AUTHORITY
OF BOWLING GREEN TO RETAIN THE CITY’S PORTION OF THE
PAYMENT IN LIEU OF TAXES (PILOT) FOR THE 2011 TAX
YEAR IN THE AMOUNT OF \$16,947**

Summary of Municipal Order No. 2012 - 9 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 approval of the request by the Housing Authority to use the money to help support after school programs for at-risk kids. Mayor Wilkerson asked for additional discussion, and with none, a roll call vote was taken.

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

Municipal Order No. 2012 - 9 was approved by unanimous vote.

ADJOURNMENT

There being no further business to come before the Board of Commissioners, at approximately 7:25 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