

**MINUTES of REGULAR MEETING
of the BOARD of COMMISSIONERS
of the CITY of BOWLING GREEN, KENTUCKY
held MARCH 18, 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 18, 2014. Mayor Bruce Wilkerson called the meeting to order. An invocation was given by Mark Lord with Congressman Brett Guthrie's office, 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.

AWARDS & RECOGNITIONS

Operation P.R.I.D.E. Executive Director Angie Alexieff presented P.R.I.D.E.'s monthly residential award to Adam and Ashlee Gary for improvements made to their home located at 181 Pinehurst Way.

CITY MANAGER

City Manager Kevin D. DeFebbo requested a closed session for the purpose of discussion on the future acquisition and sale 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 and sold by the City; and for discussion of proposed litigation on behalf of the City. 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 (c). 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) (b) and (c) was approved by unanimous vote.

Mr. DeFebbo also requested the addition of a late-filed item (Municipal Order No. 2014 – 52) to the agenda for consideration of a grant application by the Fire Department. Motion was made by Denning and seconded by Williams to add Municipal Order No. 2014 – 52 to the end of the agenda for consideration. Mayor Wilkerson called for roll call vote.

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

Motion to add Municipal Order No. 2014 – 52 to the agenda was approved by unanimous vote.

APPROVAL OF MINUTES

Minutes of Regular Meeting March 4, 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: Denning, Hill, Waltrip, Williams and Wilkerson
 Voting Nay: None

Motion to approve the minutes of the regular meeting of March 4, 2014 was approved by unanimous vote.

PUBLIC COMMENTS

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

CHANGE ORDER OF AGENDA

Without objection, Mayor Wilkerson changed the order of the agenda to move items 11, 12 and 13 (Municipal Order Nos. 2014 - 49, 2014 - 50 and 2014 - 51) to the beginning of the agenda.

MUNICIPAL ORDER NO. 2014 - 49

MUNICIPAL ORDER ACCEPTING MAINTENANCE RESPONSIBILITY FOR SIDEWALKS ON U.S. 231 (SCOTTSVILLE ROAD) LOCATED IN THE CITY LIMITS TO BE CONSTRUCTED BY THE KENTUCKY TRANSPORTATION CABINET AS PART OF HIGHWAY PLAN PROJECT 03-17.10

Summary of Municipal Order No. 2014 - 49 was read by the Assistant City Manager/City Clerk. Motion was made by Waltrip and seconded by Hill for consideration of said Municipal Order. With regard to this item and the next two, Mr. DeFebbo explained that the City has agreed to accept maintenance of State built sidewalks when newly constructed and following expiration of all construction warranties. 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. 2014 - 49 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2014 - 50

MUNICIPAL ORDER ACCEPTING MAINTENANCE RESPONSIBILITY FOR SIDEWALKS AT THE INTERSECTION OF U.S. 31W (NASHVILLE ROAD) AND U.S. 231X (UNIVERSITY BOULEVARD) LOCATED IN THE CITY LIMITS TO BE CONSTRUCTED BY THE KENTUCKY TRANSPORTATION CABINET AS PART OF HIGHWAY PLAN PROJECT 03-131.00

Summary of Municipal Order No. 2014 - 50 was read by the Assistant City Manager/City Clerk. Motion was made by Waltrip and seconded by Hill for consideration of said Municipal Order. During the discussion of the previous item, Kentucky Transportation Cabinet District 3 Chief District Engineer Greg Meredith responded to questions regarding the roundabout to be constructed at this location. He also noted that the majority of it would be built this summer and some road closings and

detours should be expected. 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. 2014 - 50 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2014 - 51

MUNICIPAL ORDER ASSUMING OWNERSHIP AND MAINTENANCE RESPONSIBILITY FOR RIGHT-OF-WAY PURCHASED TO RECONSTRUCT / REALIGN A PORTION OF BRISTOW ROAD BY THE KENTUCKY TRANSPORTATION CABINET

Summary of Municipal Order No. 2014 - 51 was read by the Assistant City Manager/City Clerk. Motion was made by Hill and seconded by Waltrip for consideration of said Municipal Order. This item was discussed in conjunction with the two previous items. 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. 2014 - 51 was approved by unanimous vote.

RESUME REGULAR AGENDA

ORDINANCE NO. BG2014 - 4

(Second 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 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. BG2014 - 4 was adopted by unanimous vote.

ORDINANCE NO. BG2014 - 5
(Second 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 Williams and seconded by Hill for second reading of said Ordinance. Commissioner Denning expressed his concern about a recent towing incident that occurred near Western's campus off of Mimosa Alley. He strongly believed that the parked vehicle should not have been towed if it was on public property and stated it was the responsibility of the Board to protect people against this type of incident. He further stated that no one has the right to tow a vehicle off of public property or from a private lot that is not properly signed. Commissioner Denning requested to be put on record for asking that the wrecker company involved in this incident pay back the towing fee for towing the vehicle off of public right-of-way.

City Attorney Gene Harmon commented that if a towing company has a contract for monitoring a private parking lot, it needs to be very certain of where the private property lines are located. He suggested that if there was any doubt of where the vehicle was parked, then it should not be towed. Mayor Wilkerson noted that this ordinance establishes the rules and guidelines to prevent a vehicle from being towed improperly. Mr. Harmon also remarked that the ordinance provided additional tools to administratively suspend or terminate a company's City issued towing license if that company violates the provisions of the ordinance.

There was additional discussion about the specific towing incident described by Commissioner Denning. Mr. DeFebbo recommended that if anyone thinks their car was stolen, they should contact the Police Department for an investigation to occur. If this incident involved an improperly towed vehicle, then the Police should be involved to determine the facts of the case.

Once the discussion ended, a roll call vote was taken.

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

Voting Nay: None

Ordinance No. BG2014 - 5 was adopted by unanimous vote.

MUNICIPAL ORDER NO. 2014 - 41

MUNICIPAL ORDER APPROVING THE REAPPOINTMENTS OF MELISSA RUDLOFF AND CHARLEY PRIDE TO THE UNIVERSITY DISTRICT REVIEW COMMITTEE

Summary of Municipal Order No. 2014 - 41 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: Denning, Hill, Waltrip, Williams and Wilkerson
 Voting Nay: None
Municipal Order No. 2014 - 41 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2014 - 42

MUNICIPAL ORDER APPROVING THE REAPPOINTMENTS OF
DAVID W. MCKILLIP AND TONY WITTY TO THE BOWLING
GREEN AUDIT COMMITTEE

Summary of Municipal Order No. 2014 - 42 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: Denning, Hill, Waltrip, Williams and Wilkerson
 Voting Nay: None
Municipal Order No. 2014 - 42 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2014 - 43

MUNICIPAL ORDER AUTHORIZING AND ACCEPTING BID
#2014-17 FOR THE PURCHASE OF A THREE QUARTER TON
TRUCK FOR THE PUBLIC WORKS DEPARTMENT FROM GILLIE
HYDE AUTO GROUP OF GLASGOW, KENTUCKY IN THE
AMOUNT OF \$28,681

Summary of Municipal Order No. 2014 - 43 was read by the Assistant City Manager/City Clerk. Motion was made by Williams and seconded by Hill for consideration of said Municipal Order. DeFebbo reviewed the bid process and recommended approval to purchase from the lowest bidder. Commissioner Williams remarked that he was happy to see local dealers participating in the bidding process even if they did not have the lowest bid. 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. 2014 - 43 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2014 - 44

MUNICIPAL ORDER APPROVING CONTRACTS THROUGH
COOPERATIVE PURCHASE WITH VARIOUS VENDORS UNDER
THE KENTUCKY PRICING CONTRACT FOR CHEMICALS AND
FERTILIZERS FOR THE PARKS AND RECREATION
DEPARTMENT IN AN AMOUNT NOT TO EXCEED \$81,524.48

Summary of Municipal Order No. 2014 - 44 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 recommended the purchase of various lawn maintenance products through

established state pricing contracts. 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. 2014 - 44 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2014 - 45

MUNICIPAL ORDER APPROVING PROPOSALS THROUGH A PURCHASING CONSORTIUM INITIATED BY WESTERN KENTUCKY UNIVERSITY (WKU) AND FURTHER APPROVING AGREEMENTS WITH VALOR, LLC FOR LOCAL AND OUT-OF-TOWN CARD FUEL SERVICE AND KEY OIL COMPANY FOR BULK FUEL SUPPLY SERVICE

Summary of Municipal Order No. 2014 - 45 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 noted that one of the City's goals was to always find ways to get the lowest price for products received. In that regard, he explained the City participated in a consortium with other public agencies, including Bowling Green Municipal Utilities (BGMU) and WKU, to obtain better fuel prices which was anticipated to save the City about \$2,000 a year. He thanked BGMU and WKU for participating in the bid process. Mayor Wilkerson expressed his appreciation for creatively finding ways to use economies of scale to obtain a better deal. 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. 2014 - 45 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2014 - 46

MUNICIPAL ORDER APPROVING WARREN COUNTY DOWNTOWN ECONOMIC DEVELOPMENT AUTHORITY, INC. OPERATING BUDGET FOR FISCAL YEAR 2014-2015

Summary of Municipal Order No. 2014 - 46 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 recounted that an overview of the proposed budget was presented during the earlier work session. 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. 2014 - 46 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2014 - 47

MUNICIPAL ORDER APPROVING TAX INCREMENT FINANCING (TIF) DISTRICT SUMMARY OF 2012 INCREMENTAL REVENUE

AND AUTHORIZING DISTRIBUTIONS TO THE APPROPRIATE
RECIPIENTS

Summary of Municipal Order No. 2014 - 47 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 distribution for incremental revenues received from the TIF District which was established by agreement. Mayor Wilkerson reiterated that this was new revenue collected from the growth and development taking place in the downtown TIF area, and not from any new or increased taxes. With no other discussion, a roll call vote was taken.

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

Municipal Order No. 2014 - 47 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2014 - 48

MUNICIPAL ORDER APPROVING AND AUTHORIZING THE
DONATION OF PROPERTY BY THE INTER-MODAL
TRANSPORTATION AUTHORITY (ITA), INC. TO BENEFIT
BILSTEIN COLD ROLLED STEEL, LP

Summary of Municipal Order No. 2014 - 48 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 explained that property would be donated pursuant to a previously approved Memorandum of Understanding for the new industrial development locating in the Transpark and bringing new jobs to Bowling Green. Bowling Green Area Chamber of Commerce Chief Operations Officer/Chief Financial Officer Meredith Robinson remarked that this project was determined to be the largest economic development attraction in the entire State during last year. 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. 2014 - 48 was approved by unanimous vote.

Municipal Order Nos. 2014 - 49, 2014 - 50 and 2014 - 51 were moved to the beginning of the agenda for consideration.

MUNICIPAL ORDER NO. 2014 - 52

MUNICIPAL ORDER AUTHORIZING AND APPROVING THE
SUBMISSION OF AN APPLICATION FOR HOMELAND SECURITY
GRANT FUNDS THROUGH THE FEDERAL EMERGENCY
MANAGEMENT AGENCY (FEMA) ASSISTANCE FOR
FIREFIGHTERS GRANT PROGRAM IN THE AMOUNT OF
\$128,132 FOR THE PURCHASE OF A MOBILE PUBLIC
EDUCATION CENTER FOR THE FIRE DEPARTMENT

Summary of Municipal Order No. 2014 - 52 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 recommended applying for grant funds for the Fire Department with a 5% match requirement to purchase a trailer to be used as an education center to promote fire prevention. Deputy Fire Chief Dustin Rockrohr indicated the grant application deadline was March 21st. Commissioner Williams stated he thought it was a great idea to help educate the public and promote fire prevention. With no other discussion, a roll call vote was taken.

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

Municipal Order No. 2014 - 52 was approved by unanimous vote.

CLOSED SESSION

Following a brief recess to clear the Commission Chamber, the Board of Commissioners met at approximately 7:55 p.m. in closed session pursuant to KRS 61.810 (1) (b) and (c) as previously approved.

RECONVENE IN OPEN SESSION

Once all discussion concluded in closed session, the Board of Commissioners reconvened in open session at approximately 8:40 p.m. to consider action. Motion was made by Hill and seconded by Williams to add Municipal Order No. 2014 - 53 to the agenda for consideration. With no discussion, a roll call vote was taken.

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

Motion to add Municipal Order No. 2014 - 53 to the agenda was approved by unanimous vote.

MUNICIPAL ORDER NO. 2014 - 53

MUNICIPAL ORDER AUTHORIZING AN AGREEMENT THROUGH NONCOMPETITIVE NEGOTIATIONS WITH ARNOLD CONSULTING ENGINEERING & SURVEYING, INC. (ACES) FOR ENGINEERING SERVICES FOR HENNESSY WAY ENTRANCE FROM KY 446 IN THE AMOUNT OF \$31,780

Summary of Municipal Order No. 2014 - 53 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 project which was discussed during the earlier work session and the ability to proceed with final design for the proposed road improvement project. 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. 2014 - 53 was approved by unanimous vote.

ADJOURNMENT

There being no further business to come before the Board of Commissioners, at approximately 8:45 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 following subjects: 1) a presentation by the Warren County Downtown Economic Development Authority, Inc., including the proposed Operating Budget for Fiscal Year 2014-2015 and a quarterly report about the activities of the Downtown Gateway to WKU Tax Increment Financing (TIF) District; and 2) design services for the Hennessy Way project, including alternate preliminary design proposals.

ADOPTED: _____

APPROVED: _____
Mayor, Chairman of Board of Commissioners

ATTEST: _____
City Clerk

Minutes prepared by Assistant City Manager/City Clerk Katie Schaller