

**MINUTES of REGULAR MEETING  
of the BOARD of COMMISSIONERS  
of the CITY of BOWLING GREEN, KENTUCKY  
held FEBRUARY 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 February 4, 2014. Mayor Bruce Wilkerson called the meeting to order and gave the invocation. 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**

Mayor Wilkerson announced the retirements of Fire Company Commander/EMT Ray Clayton with almost 21 years of service, Firefighter/EMT II Fred Crump with over 22 years of service and Public Works Facilities Maintenance Supervisor Jackie Edwards with 32 years of service.

**CITY MANAGER**

City Manager Kevin D. DeFebbo requested a closed session for the purpose of discussion on the sale of real property by the City as publicity would likely affect the value of the specific piece of property to be sold by the City; for discussion of proposed litigation on behalf of the City and pending litigation against and on behalf of the City; and for discussion which might lead to the discipline or dismissal of individual employees without restricting the employees' right to a public hearing if requested. Motion was made by Hill and seconded by Denning to convene in closed session following the regular meeting pursuant to KRS 61.810 (1) (b), (c) and (f). 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), (c) and (f) was approved by unanimous vote.

**APPROVAL OF MINUTES**

Minutes of Regular Meeting January 21, 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: Hill, Waltrip, Williams, Denning and Wilkerson  
                          Voting Nay: None

Motion to approve the minutes of the regular meeting of January 21, 2014 was approved by unanimous vote.

PUBLIC COMMENTS

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

REGULAR AGENDA

MUNICIPAL ORDER NO. 2014 - 9

MUNICIPAL ORDER APPROVING THE PROMOTIONS OF ROBBY L. GILLIAM TO THE POSITION OF COMPANY COMMANDER/EMT AND BENJAMIN T. MOCK TO THE POSITION OF FIRE APPARATUS OPERATOR/EMT IN THE FIRE DEPARTMENT

Summary of Municipal Order No. 2014 - 9 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 reported that a recent retirement prompted the two promotions. Deputy Fire Chief Dustin Rockrohr reviewed the qualifications of both individuals and recommended them for promotion. He also noted that Company Commander/EMT Robby Gilliam would be moving over to the Training Division with the transfer of Company Commander/EMT Jason Colson back to Suppression. 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. 2014 - 9 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2014 - 10

MUNICIPAL ORDER ACCEPTING RESPONSE TO REQUEST FOR PROPOSALS (RFP) FOR AUDITING SERVICES FROM MOUNTJOY CHILTON MEDLEY, LLP OF LOUISVILLE, KENTUCKY BEGINNING WITH FISCAL YEAR 2013/2014 AND EXTENDING THROUGH FISCAL YEAR 2017/2018

Summary of Municipal Order No. 2014 - 10 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 indicated that the City's Audit Committee led the process for issuing an RFP for external auditing services for the next five years and recommended that auditing services continue with Mountjoy Chilton Medley under a new contract. Commissioner Denning remarked about the oversight that Internal Auditor Deborah Jenkins provided to the departments. Mayor Wilkerson echoed the compliments and indicated that he appreciated the regular reports.

In response to questions, Ms. Jenkins reviewed the RFP process which was conducted every five years and the thorough evaluation completed by the Audit Committee. She confirmed that in past years the City required a partner and audit manager rotation from Mountjoy; however, through attrition, that change had already been achieved for the upcoming new contract year. She also confirmed that the proposals were very competitive and that local preference did not apply under an

RFP. Ms. Jenkins reported that by staying with Mountjoy and from other changes made by the Finance Department regarding the external auditing process, the City would save almost \$14,000 next year. 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. 2014 - 10 was approved by unanimous vote.

**MUNICIPAL ORDER NO. 2014 - 11**

**MUNICIPAL ORDER AUTHORIZING AND ACCEPTING BID #2014-14 FOR THE CITY HALL ANNEX AND NEIGHBORHOOD AND COMMUNITY SERVICES (NCS) BUILDING RENOVATION PROJECT FROM SCOTT, MURPHY AND DANIEL, LLC OF BOWLING GREEN, KENTUCKY IN AN AMOUNT NOT TO EXCEED OF \$1,949,130.75**

Summary of Municipal Order No. 2014 - 11 was read by the Assistant City Manager/City Clerk. Motion was made by Waltrip and seconded by Denning for consideration of said Municipal Order. DeFebbo reviewed and recommended the bid award. He confirmed that no new debt would be issued for this project since the City was able to save and set aside the funds necessary to complete the renovation work over the past couple of years. He thanked Public Works Director Jeff Lashlee and Neighborhood and Community Services Director Brent Childers for their guidance with the project and Ms. Schaller for helping to find and set aside the money needed for the project. Mr. DeFebbo also confirmed that with these renovations, the City's Law Office would be moved to the Annex reducing facility rental costs, space would be provided for a much needed records retention area, and services provided by the NCS Department would be more accessible at its new location. Commissioner Williams commented about the ability to save taxpayers' money by using facilities the City already had versus building a new facility. When 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. 2014 - 11 was approved by unanimous vote.

**MUNICIPAL ORDER NO. 2014 - 12**

**MUNICIPAL ORDER AUTHORIZING AND ACCEPTING BID #2014-18 FOR POLICE VEHICLE EQUIPMENT FROM TRUCKERS LIGHTHOUSE OF NASHVILLE, TENNESSEE, LAW ENFORCEMENT SUPPLY OF MARIETTA, GEORGIA, ON-DUTY DEPOT OF OWENSBORO, KENTUCKY AND HUTTON COMMS, INC. OF CARROLLTON, TEXAS IN THE TOTAL AMOUNT OF \$48,861.48**

Summary of Municipal Order No. 2014 - 12 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 recommended the bid awards to outfit the twelve recently purchased patrol vehicles for the

Police Department. 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. 2014 - 12 was approved by unanimous vote.

**MUNICIPAL ORDER NO. 2014 - 13**

**MUNICIPAL ORDER APPROVING A CONTRACT THROUGH COOPERATIVE PURCHASE WITH AT&T MOBILITY OF GREENBELT, MARYLAND UNDER THE KENTUCKY PRICING CONTRACT FOR OUTDOOR INTERNET SERVICE ACCESS AND USE OF AIR CARDS**

Summary of Municipal Order No. 2014 - 13 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 indicated that this proposal was discussed at the recent Strategic Goal Planning Session and would provide improved access and reliability for public safety wireless needs. He noted that staff was still exploring ways to offer wireless access during special events at certain park locations once the City's wireless network was dismantled and no longer available for public use at those locations. Mayor Wilkerson also noted that there would be considerable savings achieved by switching over to air cards versus continuing to maintain the City's wireless mesh network. 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. 2014 - 13 was approved by unanimous vote.

**MUNICIPAL ORDER NO. 2014 - 14**

**MUNICIPAL ORDER AUTHORIZING THE SUBMISSION AND ACCEPTANCE OF A GRANT APPLICATION WITH THE FEDERAL TRANSIT ADMINISTRATION FOR FEDERAL FISCAL YEAR 2014 FEDERAL TRANSPORTATION ASSISTANCE UNDER THE SECTION 5307 PROGRAM**

Summary of Municipal Order No. 2014 - 14 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 and recommended the annual request for transportation funding. Community Action of Southern Kentucky Executive Director Cheryl Allen explained that the funds would help with capital, operating and planning expenses for operating the Public Transit System. In addition and in reference to the next item on the agenda, she also explained that the City could apply for toll credits to help waive a portion of the required match for federal capital assistance.

At the request of the Mayor, Ms. Allen also provided an update about the increase in ridership and efforts to find ways to further improve the transportation services provided. Commissioner Waltrip indicated that the Board started a discussion at its recent Strategic Goal Planning Session about enhancing public transit services and he hoped to see more improvement in the coming years. He also

commended Ms. Allen and her staff for the services they provide. When the discussion concluded, a roll call vote was taken.

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

Municipal Order No. 2014 - 14 was approved by unanimous vote.

**MUNICIPAL ORDER NO. 2014 - 15**

**MUNICIPAL ORDER AUTHORIZING THE SUBMISSION AND ACCEPTANCE OF A REQUEST WITH THE KENTUCKY TRANSPORTATION CABINET FOR FEDERAL FISCAL YEAR 2014 TOLL CREDITS AND CAPITAL MATCH FOR TRANSPORTATION ASSISTANCE FOR THE SECTION 5307 PROGRAM**

Summary of Municipal Order No. 2014 - 15 was read by the Assistant City Manager/City Clerk. Motion was made by Hill and seconded by Denning for consideration of said Municipal Order. This item was discussed in conjunction with the previous item (Municipal Order No. 2014 - 14). 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. 2014 - 15 was approved by unanimous vote.

**MUNICIPAL ORDER NO. 2014 - 16**

**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 2012 AND 2013 TAX YEARS IN THE TOTAL AMOUNT OF \$34,453**

Summary of Municipal Order No. 2014 - 16 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 stated that the City has been partnering with the Housing Authority since 1962 to return PILOT funds for afterschool programs. He recommended its approval. Mayor Wilkerson indicated that the afterschool programs were very beneficial to the children and were not considered a babysitting function. With no other discussion, a roll call vote was taken.

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

Municipal Order No. 2014 - 16 was approved by unanimous vote.

**ORDINANCE NO. BG2014 - 1**

**(First Reading)**

**ORDINANCE REZONING REAL ESTATE**

**ORDINANCE REZONING A TRACT OF LAND CONTAINING 1.44 ACRES FROM HB (HIGHWAY BUSINESS) TO RM-4 (MULTI-FAMILY RESIDENTIAL) LOCATED AT 242 AUDLEY AVENUE, PRESENTLY OWNED BY CHARLES AND BARBARA ENGLISH**

Title and summary of Ordinance No. BG2014 - 1 was read by the Assistant City Manager/City Clerk. Motion was made by Hill and seconded by Denning 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, Waltrip, Williams, Denning and Wilkerson  
                          Voting Nay: None

First reading of Ordinance No. BG2014 - 1 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2014 - 17

MUNICIPAL ORDER APPROVING SUB-DEVELOPER AGREEMENT AND ASSIGNMENT AND ASSUMPTION OF RIGHTS AND OBLIGATIONS UNDER MASTER DEVELOPER AGREEMENT WHICH INCLUDES A CITY TIF APPLICATION RELATED TO BLOCK 6 OF THE WKU GATEWAY TO DOWNTOWN BOWLING GREEN DEVELOPMENT AREA WITH BROOKSIDE KENTUCKY, LLC

Summary of Municipal Order No. 2014 - 17 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 asked City Attorney Gene Harmon to provide an overview of this item and Municipal Order No. 2014 - 18 since they were related. Mr. Harmon indicated that both items had been previously introduced under different municipal order numbers (MO2013-194 and MO2013-195, respectively), but due to incomplete information one was tabled and the other was withdrawn from consideration at the November 19, 2013 Board of Commissioners meeting. He noted that this item included a residential wrap around the College Street side of the parking structure located in TIF Block 6, whereas the other item (Municipal Order No. 2014 - 18) included a mixed use development with commercial and residential space in TIF Blocks 12B and 13 near the WKU campus.

Attorney Kevin Brooks, representing the Warren County Downtown Economic Development Authority, explained that the revised Sub-developer Agreements provided thorough and complete information regarding each proposed development project. He also described each project and responded to questions about available parking, particularly for the mixed-use development. Chief Financial Officer Jeff Meisel pointed out that the two private development projects would bring over \$30 million of investment into the downtown TIF. 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. 2014 - 17 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2014 - 18

MUNICIPAL ORDER APPROVING SUB-DEVELOPER AGREEMENT AND ASSIGNMENT AND ASSUMPTION OF RIGHTS AND OBLIGATIONS UNDER MASTER DEVELOPER AGREEMENT WHICH INCLUDES A CITY TIF APPLICATION RELATED TO BLOCKS 12B AND 13 OF THE WKU GATEWAY TO

DOWNTOWN BOWLING GREEN DEVELOPMENT AREA WITH  
BROOKSIDE KENTUCKY, LLC

Summary of Municipal Order No. 2014 - 18 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 the discussion for this item was included with the previous item, Mayor Wilkerson asked if there was any additional discussion. With none, a roll call vote was taken.

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

Municipal Order No. 2014 - 18 was approved by unanimous vote.

CLOSED SESSION

Following a brief recess to clear the Commission Chamber, the Board of Commissioners met at approximately 7:45 p.m. in closed session pursuant to KRS 61.810 (1) (b), (c) and (f) as previously approved. Mr. DeFebbo confirmed that no action was expected to 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 8:10 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 discuss the following subjects: 1) the proposed Downtown Traffic Circulation Study Protocol; and 2) 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 (a revised version of Ordinance No. BG2013 - 45 was discussed).

ADOPTED: \_\_\_\_\_

APPROVED: \_\_\_\_\_  
Mayor, Chairman of Board of Commissioners

ATTEST: \_\_\_\_\_  
City Clerk