

**MINUTES of REGULAR MEETING
of the BOARD of COMMISSIONERS
of the CITY of BOWLING GREEN, KENTUCKY
held AUGUST 20, 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 August 20, 2013. Mayor Bruce Wilkerson called the meeting to order. An invocation was given by Rev. Michael Nasser with the Holy Apostles Orthodox Mission, 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 Bill Waltrip, Commissioner Rick Williams, Commissioner Joe W. Denning, Commissioner Melinda M. Hill and Mayor Bruce Wilkerson. Absent: none. There was a full quorum of the Board of Commissioners.

AWARDS & RECOGNITIONS

There were no awards or recognitions.

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 piece of property to be acquired for public use or sold by the City; and for discussion of proposed litigation against and 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: Waltrip, Williams, Denning, Hill 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.

APPROVAL OF MINUTES

Minutes of Regular Meeting August 6, 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: Waltrip, Williams, Denning, Hill and Wilkerson
 Voting Nay: None

Motion to approve the minutes of the regular meeting of August 6, 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 - 22
(Second Reading)
ORDINANCE REZONING REAL ESTATE

ORDINANCE REZONING A TRACT OF LAND CONTAINING 1.23 ACRES FROM OP-C (OFFICE AND PROFESSIONAL-COMMERCIAL) AND RM-4 (MULTI-FAMILY RESIDENTIAL) TO OP-C (OFFICE AND PROFESSIONAL-COMMERCIAL) LOCATED AT 810 4TH AVENUE EAST, PRESENTLY OWNED BY BG-WC COMMUNITY HOSPITAL CORPORATION D/B/A THE MEDICAL CENTER AT BOWLING GREEN

Title and summary of Ordinance No. BG2013 - 22 was read by the Assistant City Manager/City Clerk. Motion was made by Waltrip 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: Waltrip, Williams, Denning, Hill and Wilkerson
Voting Nay: None

Ordinance No. BG2013 - 22 was adopted by unanimous vote.

ORDINANCE NO. BG2013 - 23
(Second Reading)
ORDINANCE REZONING REAL ESTATE

ORDINANCE REZONING A TRACT OF LAND CONTAINING 9.079 ACRES FROM AG (AGRICULTURE) TO HI (HEAVY INDUSTRIAL) LOCATED AT 194 BRISTOW ROAD, PRESENTLY OWNED BY ERNEST AND REBECCA SANFORD

Title and summary of Ordinance No. BG2013 - 23 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: Waltrip, Williams, Denning, Hill and Wilkerson
Voting Nay: None

Ordinance No. BG2013 - 23 was adopted by unanimous vote.

ORDINANCE NO. BG2013 - 24
(Second Reading)
ORDINANCE REZONING REAL ESTATE

ORDINANCE REZONING THREE TRACTS OF LAND CONTAINING 6.88 ACRES FROM LI (LIGHT INDUSTRIAL) AND HI (HEAVY INDUSTRIAL) TO HI (HEAVY INDUSTRIAL) LOCATED AT 1208 AND 1249 LEWIS AVENUE AND 414 AND 550 POWER STREET, PRESENTLY OWNED BY STEEN CONCRETE PRODUCTS, INC.

Title and summary of Ordinance No. BG2013 - 24 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: Waltrip, Williams, Denning, Hill and Wilkerson
 Voting Nay: None

Ordinance No. BG2013 - 24 was adopted by unanimous vote.

ORDINANCE NO. BG2013 - 25

(Second Reading)

ORDINANCE AMENDING CODE OF ORDINANCES

**ORDINANCE AMENDING CHAPTER 15 (BUSINESS AND
GENERAL REGULATIONS) TO ADD A NEW SUBCHAPTER
RELATED TO REGULATION OF DONATION DROP-OFF BINS**

Title and summary of Ordinance No. BG2013 - 25 was read by the Assistant City Manager/City Clerk. Motion was made by Waltrip and seconded by Hill for second reading of said Ordinance. Attorney Libby Gray, representing Special Olympics of Kentucky and Ohio Mills Corp. (manager of the bins), indicated they were in support of reasonable regulations and the majority of the provisions being proposed in the ordinance, with the exception of Section 15-3.02 which requires donation bins to be permanently affixed to the primary structure on the property where located. She opined that this specific provision would cause undo harm to Special Olympics and its ability to place collection bins in the City. Ms. Gray claimed the section was a violation under the equal protection clause and contracts clause of the U.S. Constitution and discriminated against charities, such as Special Olympics, that did not own their own property where donation bins could be placed.

Steve McGill, Sales and Operations Manager for Ohio Mills Corp., indicated that as the person working with the local businesses and property owners, he was quite sure most of them would not want to have the bins located next to their building let alone permanently attached. He surmised that this ordinance would eliminate the ability of Special Olympics to place its donation bins in Bowling Green. He offered that there were other ways to address the placement of bins which could still address safety concerns, but did not require them to be permanently attached to a building or adversely restrict where a business could locate them on their property.

Comm. Denning asked why Special Olympics' situation was any different from any other group having donation bins in the City. He commented that he did not see how the ordinance applied differently since it was treating all parties the same. Ms. Gray responded that the ordinance did not afford charities, which do not own their own property, equal rights because a third party was being asked to comply with attaching a bin to its property.

Comm. Hill inquired why Ms. Gray or others from Special Olympics or Ohio Mills Corp. did not attend the previous meeting when the ordinance was brought forth for first reading and she asked how many bins they were talking about. Ms. Gray indicated the late notice and scheduling conflicts prevented their attendance at the previous meeting. Mr. McGill also confirmed that there were ten bins currently located in Bowling Green and described the process involved for the placement of each of their bins.

Mark Buerger, Communications Director for Special Olympics Kentucky, affirmed that Special Olympics had been a part of Bowling Green's community for nearly 40 years and that Bowling Green served as the hub for South Central Kentucky. Since the donation bins provided more than \$100,000 to Special Olympics, Mr. Buerger remarked this funding would be jeopardized with the new regulations. He requested the Board of Commissioners reconsider the specific provision regulating placement of the bins.

In response to a question from Comm. Williams, City Attorney Gene Harmon confirmed that he was aware of the issues brought forward by Special Olympics and that staff had met with them to discuss their concerns about permanently affixing the bins to a structure. He also noted the aspects of the Louisville ordinance which were recently amended to allow placement of bins within 50 feet of a building instead of 25 feet. Comm. Williams explained his concerns and the need to address where bins should be located to make them less of a hazard.

Comm. Hill thanked the Special Olympics and Ohio Mills Corp. representatives for coming to the meeting and relaying their concerns. She indicated she would like to see more discussion take place and to work with Special Olympics to come up with a solution that would best fit all parties.

At the request of Comm. Waltrip, Mr. Harmon further explained that the Louisville ordinance required more regulation and established permits and fees for placement of bins versus this ordinance. He also confirmed that regulations were all over the board on how other communities were addressing the donation bins. Comm. Waltrip indicated he saw two issues being discussed, the requirement to affix the bin to a structure and also the actual location of where bins could be placed on the property. With respect to the actual location, he did not think a solution could be worked out to the satisfaction of Special Olympics.

Mayor Wilkerson explained that the Board first looked into the issue because of citizen complaints. He indicated that the City had broad authority to regulate the issue and wanted to get ahead of the proliferation of bins coming to town. He outlined the premise behind the proposed ordinance, which included an effort to keep the regulations simple, reduce the level of bureaucracy involved and the aspect of having bins securely attached to mimic sign requirements of the zoning ordinance. Mayor Wilkerson encouraged the Board of Commissioners to move forward with the second reading. He also commented about the options available with making a decision, including the ability to eliminate all bins, heavily regulate them or to consider the more simple approach as presented. Comm. Williams remarked that he did not want to harm an organization like Special Olympics which made the decision to act more difficult, but there was a need to address the issue of safety. Once the discussion ended, a roll call vote was taken.

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

Ordinance No. BG2013 - 25 was adopted by majority vote.

MUNICIPAL ORDER NO. 2013 - 130

MUNICIPAL ORDER APPROVING THE PROBATIONARY APPOINTMENT OF JUSTIN W. DONNELLY TO THE POSITION OF FIREFIGHTER IN THE FIRE DEPARTMENT

Summary of Municipal Order No. 2013 - 130 was read by the Assistant City Manager/City Clerk. Motion was made by Denning and seconded by Hill for consideration of said Municipal Order. DeFebbo explained an upcoming retirement in September prompted the early appointment so the individual could be added to the next recruit class starting in a couple of weeks. Mayor Wilkerson asked for additional discussion, and with none, a roll call vote was taken.

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

Municipal Order No. 2013 - 130 was approved by unanimous vote.

ORDINANCE NO. BG2013 - 26

(First Reading)

ORDINANCE AMENDING CODE OF ORDINANCES

**ORDINANCE AMENDING CHAPTER 2 (ADMINISTRATION),
SUBCHAPTER 2-17 (HUMAN RIGHTS COMMISSION) OF THE
CITY OF BOWLING GREEN CODE OF ORDINANCES TO REVISE
THE COMPOSITION OF THE CITY OF BOWLING GREEN
COMMISSION ON HUMAN RIGHTS**

Title and summary of Ordinance No. BG2013 - 26 was read by the Assistant City Manager/City Clerk. Motion was made by Waltrip and seconded by Denning for first reading of said Ordinance. Mayor Wilkerson indicated that the Human Rights Commission requested the revision to reduce its membership from 15 to 13 members to make it more manageable. With no additional discussion, a roll call vote was taken.

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

First reading of Ordinance No. BG2013 - 26 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2013 - 131

**MUNICIPAL ORDER APPROVING THE REAPPOINTMENTS OF
GREG ALMOND, NANCY BECKER AND MICHAEL COLEMAN
TO THE HUMAN RIGHTS COMMISSION**

Summary of Municipal Order No. 2013 - 131 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: Waltrip, Williams, Denning, Hill and Wilkerson
 Voting Nay: None

Municipal Order No. 2013 - 131 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2013 - 132

**MUNICIPAL ORDER AUTHORIZING THE CONTINUATION OF
CONTRACTS FOR BID #2012-03 WITH LKJ CRABBE, INC. AND
TRUGREEN/CHEMLAWN OF BOWLING GREEN, KENTUCKY**

FOR TRANSPARK MAINTENANCE IN THE TOTAL AMOUNT OF
\$26,186

Summary of Municipal Order No. 2013 - 132 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 the second and last extension of the contract to continue maintaining the public entry-ways and rights-of-way for the Kentucky Transpark. Mayor Wilkerson asked for additional discussion, and with none, a roll call vote was taken.

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

Municipal Order No. 2013 - 132 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2013 - 133

MUNICIPAL ORDER AUTHORIZING THE ACCEPTANCE OF A HOMELAND SECURITY GRANT FROM THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) FOR THE 2012 ASSISTANCE TO FIREFIGHTERS GRANT PROGRAM IN THE AMOUNT OF \$56,340 FOR THE PURCHASE OF NINE THERMAL IMAGING CAMERAS, AND FURTHER AUTHORIZING AND ACCEPTING BID #2013-52 FROM FINLEY FIRE EQUIPMENT OF MCCONNELSVILLE, OHIO IN THE TOTAL AMOUNT NOT TO EXCEED \$70,425

Summary of Municipal Order No. 2013 - 133 was read by the Assistant City Manager/City Clerk. Motion was made by Denning and seconded by Waltrip for consideration of said Municipal Order. DeFebbo recommended acceptance of the grant which required a 20% match of \$14,085 and the bid award to use the funds to purchase thermal imaging cameras to be placed in frontline Fire apparatus. Mayor Wilkerson asked for additional discussion, and with none, a roll call vote was taken.

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

Municipal Order No. 2013 - 133 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2013 - 134

MUNICIPAL ORDER AUTHORIZING AND ACCEPTING BID #2014-01 FOR BOUNDARY SURVEY SERVICES FOR BUTLER COUNTY AND GLEN LILY ROAD LANDFILLS FROM LANDMARK ENGINEERING, INC. OF BOWLING GREEN, KENTUCKY IN THE TOTAL AMOUNT OF \$28,000

Summary of Municipal Order No. 2013 - 134 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 recommendation to have both properties surveyed. At the request of Comm. Hill, Public Works Director Jeff Lashlee outlined the purpose for the surveys which would assist with clearly identifying property boundaries for better management, as well as give the ability to sell timber

off the property. In addition, he noted the surveys would allow restrictions to be placed on the properties with the recorded plats. Mayor Wilkerson asked for additional discussion, and with none, a roll call vote was taken.

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

Municipal Order No. 2013 - 134 was approved by unanimous vote.

ORDINANCE NO. BG2013 - 27

(First Reading)

ORDINANCE ANNEXING PROPERTY BY CONSENT

ORDINANCE ANNEXING 0.80 ACRE OF PROPERTY LOCATED AT 487 GARVIN LANE WITH PROPERTY PRESENTLY OWNED BY DAVID AND MARTINE SIMS, AND SAID TERRITORY BEING CONTIGUOUS TO EXISTING CITY LIMITS

Title and summary of Ordinance No. BG2013 - 27 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 asked the City Attorney to review each of the two annexation items on the agenda. City Attorney Gene Harmon noted the property owners requested this annexation which was located next to the Bowling Green Country Club. Mayor Wilkerson asked for additional discussion, and with none, a roll call vote was taken.

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

First reading of Ordinance No. BG2013 - 27 was approved by unanimous vote.

ORDINANCE NO. BG2013 - 28

(First Reading)

ORDINANCE ANNEXING PROPERTY BY CONSENT

ORDINANCE ANNEXING 22.60 ACRES OF PROPERTY LOCATED AT PRESTON MILLER PARK ALONG VETERANS MEMORIAL BOULEVARD AND ADJACENT TO THE RUSSELL SIMS AQUATIC PARK, WITH PROPERTY PRESENTLY OWNED BY THE CITY OF BOWLING GREEN, AND SAID TERRITORY BEING CONTIGUOUS TO EXISTING CITY LIMITS

Title and summary of Ordinance No. BG2013 - 28 was read by the Assistant City Manager/City Clerk. Motion was made by Denning and seconded by Waltrip for first reading of said Ordinance. City Attorney Gene Harmon reviewed this item at the same time as Ordinance No. BG2013 - 27. He explained that the property was obtained by the City several years ago with the development of Preston Miller Park, but had not been annexed into the city limits. In an effort to clean up the City's boundaries and address a housekeeping item, he recommended its approval. Mayor Wilkerson asked for additional discussion, and with none, a roll call vote was taken.

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

First reading of Ordinance No. BG2013 - 28 was approved by unanimous vote.

ORDINANCE NO. BG2013 - 29

(First Reading)

ORDINANCE CLOSING A PUBLIC RIGHT-OF-WAY

ORDINANCE APPROVING THE CLOSING OF AN UNNAMED ALLEY LOCATED OFF OF 13TH AVENUE EAST BETWEEN CENTER STREET AND KENTUCKY STREET

Title and summary of Ordinance No. BG2013 - 29 was read by the Assistant City Manager/City Clerk. Motion was made by Hill and seconded by Waltrip for first reading of said Ordinance. Mayor Wilkerson asked for discussion, and with none, a roll call vote was taken.

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

First reading of Ordinance No. BG2013 - 29 was approved by unanimous vote.

ORDINANCE NO. BG2013 - 30

(First Reading)

ORDINANCE REZONING REAL ESTATE

ORDINANCE REZONING A TRACT OF LAND CONTAINING 0.2774 ACRE FROM RM-3 (MULTI-FAMILY RESIDENTIAL) AND GB (GENERAL BUSINESS) TO GB (GENERAL BUSINESS) LOCATED AT 0 PARKHURST DRIVE, PRESENTLY OWNED BY LARRY THOMAS LAWRENCE

Title and summary of Ordinance No. BG2013 - 30 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: Waltrip, Williams, Denning, Hill and Wilkerson
 Voting Nay: None

First reading of Ordinance No. BG2013 - 30 was approved by unanimous vote.

ORDINANCE NO. BG2013 - 31

(First Reading)

ORDINANCE REZONING REAL ESTATE

ORDINANCE REZONING TWO TRACTS OF LAND CONTAINING 5.27 ACRES FROM RM-4 (MULTI-FAMILY RESIDENTIAL), NB (NEIGHBORHOOD BUSINESS) AND GB (GENERAL BUSINESS) TO PUD (PLANNED UNIT DEVELOPMENT) LOCATED ON KENTUCKY STREET, 13TH AVENUE EAST AND CENTER STREET, PRESENTLY OWNED BY JASON MILLS, FJL, LLC, THIRTEEN STREET DEVELOPMENT, LLC, THEO WALTON AND CHRISTINE WALTON, WEB GROUP, LLC, NEW HAVEN CONSTRUCTION, INC., JADE VENTURES, LLC, WESTSIDE

VENTURES, LLC AND CROCKER, LLC, AND TRITTENBACH
DEVELOPMENT, LLC AS CONTRACT VENDEE

Title and summary of Ordinance No. BG2013 - 31 was read by the Assistant City Manager/City Clerk. Motion was made by Waltrip and seconded by Williams for first reading of said Ordinance. Mayor Wilkerson asked for discussion, and with none, a roll call vote was taken.

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

First reading of Ordinance No. BG2013 - 31 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2013 - 135

MUNICIPAL ORDER AUTHORIZING THE MAYOR TO EXECUTE
A LEASE AGREEMENT WITH BOWLING GREEN
INTERNATIONAL FESTIVAL, INC. TO LEASE CIRCUS SQUARE
PARK AND DESIGNATED STREETS FOR SEPTEMBER 27 AND
28, 2013

Summary of Municipal Order No. 2013 - 135 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 the lease agreement and recommended its approval. He also noted that the City would waive the rental fee for the use of the park. Mayor Wilkerson asked for additional discussion, and with none, a roll call vote was taken.

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

Municipal Order No. 2013 - 135 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. 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 8:55 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) presentation by the Bowling Green Riverfront Foundation and the International Mountain Bicycle Association about development of mountain bike trails and pump track, as well as an update regarding the whitewater rafting initiative; and 2) possible revisions to the Local Bidder

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Preference Policy, which was set to expire in mid-October and incorporated in the Purchasing Policies and Procedures Manual.

ADOPTED: _____

APPROVED: _____
Mayor, Chairman of Board of Commissioners

ATTEST: _____
City Clerk

Minutes prepared by Assistant City Manager/City Clerk Katie Schaller