

**MINUTES of REGULAR MEETING
of the BOARD of COMMISSIONERS
of the CITY of BOWLING GREEN, KENTUCKY
held AUGUST 7, 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 August 7, 2012. Mayor Bruce Wilkerson called the meeting to order. An invocation was given by retired Bowling Green Firefighter/Chaplain Damon Carlock, 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 Joe W. Denning, Commissioner Melinda M. Hill, Commissioner Brian "Slim" Nash and Mayor Bruce Wilkerson. Absent: none. There was a full quorum of the Board of Commissioners.

AWARDS & RECOGNITIONS

City Manager Kevin D. DeFebbo recognized the Finance Department for receipt of a Certificate of Achievement from the Government Finance Officers Association (GFOA) for the City's first Popular Annual Financial Report (PAFR). Chief Financial Officer Jeff Meisel indicated the Department would continue to use this new format to present a yearly summary of the Comprehensive Annual Financial Report (CAFR).

Commissioner Nash congratulated former WKU swimmer Claire Donahue for her success at the 2012 Summer Olympics, including a gold medal as part of Team USA's medley relay competition. He expressed appreciation for the positive representation Miss Donahue provided Western Kentucky University and the City of Bowling Green on the world's stage.

CITY MANAGER

City Manager Kevin D. DeFebbo requested a closed session for the purpose of 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 Waltrip and seconded by Nash to convene in closed session following the regular meeting pursuant to KRS 61.810 (1) (f). Mayor Wilkerson called for roll call vote.

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

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

APPROVAL OF MINUTES

Minutes of Regular Meeting July 17, 2012

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 Waltrip 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, Denning, Hill, Nash and Wilkerson
 Voting Nay: None

Motion to approve the minutes of the regular meeting of July, 2012 was approved by unanimous vote.

PUBLIC COMMENTS

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

REGULAR AGENDA

ORDINANCE NO. BG2012 - 23

(Second Reading)

ORDINANCE CLOSING A PUBLIC RIGHT-OF-WAY

ORDINANCE APPROVING THE CLOSING OF AN ALLEY ADJACENT TO OLD 6TH AVENUE AND BOUNDED BY 6TH AVENUE, 7TH AVENUE, KENTUCKY STREET AND CENTER STREET

Title and summary of Ordinance No. BG2012 - 23 was read by the Assistant City Manager/City Clerk. Motion was made by Denning and seconded by Nash 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, Denning, Hill, Nash and Wilkerson
Voting Nay: None

Ordinance No. BG2012 - 23 was adopted by unanimous vote.

ORDINANCE NO. BG2012 - 24

(Second Reading)

ORDINANCE REZONING REAL ESTATE

ORDINANCE REZONING A TRACT OF LAND CONTAINING 1.33 ACRES FROM PUD (PLANNED UNIT DEVELOPMENT) AND LI (LIGHT INDUSTRY) TO HB (HIGHWAY BUSINESS) LOCATED BETWEEN 6TH AVENUE, 7TH AVENUE, KENTUCKY STREET AND CENTER STREET, PRESENTLY OWNED BY SANDERFORD PROPERTIES, INC.

Title and summary of Ordinance No. BG2012 - 24 was read by the Assistant City Manager/City Clerk. Motion was made by Nash 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, Denning, Hill, Nash and Wilkerson
Voting Nay: None

Ordinance No. BG2012 - 24 was adopted by unanimous vote.

ORDINANCE NO. BG2012 - 25

(Second Reading)

ORDINANCE REZONING REAL ESTATE

ORDINANCE REZONING A TRACT OF LAND CONTAINING
6.505 ACRES FROM LI (LIGHT INDUSTRY) TO HI (HEAVY
INDUSTRY) LOCATED AT 1412 MEMPHIS JUNCTION ROAD,
PRESENTLY OWNED BY SML PROPERTIES, LLC

Title and summary of Ordinance No. BG2012 - 25 was read by the Assistant City Manager/City Clerk. Motion was made by Hill and seconded by Nash 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, Denning, Hill, Nash and Wilkerson
 Voting Nay: None

Ordinance No. BG2012 - 25 was adopted by unanimous vote.

ORDINANCE NO. BG2012 - 26
(Second Reading)
ORDINANCE REZONING REAL ESTATE

ORDINANCE REZONING A TRACT OF LAND CONTAINING
3.176 ACRES FROM P (PUBLIC), F (FLOOD PLAIN) AND LI
(LIGHT INDUSTRY) TO LI (LIGHT INDUSTRY) AND F (FLOOD
PLAIN) LOCATED AT 2325 AIRWAY COURT, PRESENTLY
OWNED BY BOWLING GREEN-WARREN COUNTY REGIONAL
AIRPORT BOARD WITH KYCORE, LLC AS CONTRACT VENDEE

Title and summary of Ordinance No. BG2012 - 26 was read by the Assistant City Manager/City Clerk. Motion was made by Hill and seconded by Nash 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, Denning, Hill, Nash and Wilkerson
 Voting Nay: None

Ordinance No. BG2012 - 26 was adopted by unanimous vote.

ORDINANCE NO. BG2012 - 28
(Second Reading)
ORDINANCE RELATING TO BUDGET AMENDMENT

ORDINANCE APPROVING AMENDMENT NUMBER FIVE TO
THE CITY OF BOWLING GREEN, KENTUCKY ANNUAL
OPERATING BUDGET FOR FISCAL YEAR 2012

Title and summary of Ordinance No. BG2012 - 28 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, Denning, Hill, Nash and Wilkerson
 Voting Nay: None

Ordinance No. BG2012 - 28 was adopted by unanimous vote.

ORDINANCE NO. BG2012 - 29

(Second Reading)

ORDINANCE AMENDING CODE OF ORDINANCES

ORDINANCE AMENDING CHAPTER 21 (STREETS AND SIDEWALKS) OF THE CITY OF BOWLING GREEN CODE OF ORDINANCES TO MAKE CHANGES RELATED TO RIGHT-OF-WAY OBSTRUCTIONS, STORMWATER AND STREET CUTS

Title and summary of Ordinance No. BG2012 - 29 was read by the Assistant City Manager/City Clerk. Motion was made by Hill and seconded by Nash 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, Denning, Hill, Nash and Wilkerson
 Voting Nay: None

Ordinance No. BG2012 - 29 was adopted by unanimous vote.

ORDINANCE NO. BG2012 - 30

(Second Reading)

ORDINANCE AMENDING CODE OF ORDINANCES

ORDINANCE AMENDING CHAPTER 22 (TRAFFIC AND MOTOR VEHICLES) OF THE CITY OF BOWLING GREEN CODE OF ORDINANCES RELATED TO ON-STREET PARKING

Title and summary of Ordinance No. BG2012 - 30 was read by the Assistant City Manager/City Clerk. Motion was made by Denning and seconded by Nash 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, Denning, Hill, Nash and Wilkerson
 Voting Nay: None

Ordinance No. BG2012 - 30 was adopted by unanimous vote.

MUNICIPAL ORDER NO. 2012 - 144

MUNICIPAL ORDER APPROVING THE REAPPOINTMENT OF THOMAS RICHARDS AND APPOINTMENT OF JULIE HUNTSMAN TO THE BOARD OF PARK COMMISSIONERS

Summary of Municipal Order No. 2012 - 144 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: Waltrip, Denning, Hill, Nash and Wilkerson
 Voting Nay: None

Municipal Order No. 2012 - 144 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2012 - 145

MUNICIPAL ORDER APPROVING THE PROBATIONARY APPOINTMENTS OF ANDRE A. CREEK, RICKY E. CROSS, SEAN M. JOHNSON AND KEITH W. YOUNG TO THE POSITION OF POLICE OFFICER IN THE POLICE DEPARTMENT

Summary of Municipal Order No. 2012 - 145 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 the hiring process and recommended the appointments. Mayor Wilkerson asked for additional discussion, and with none, a roll call vote was taken.

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

Municipal Order No. 2012 - 145 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2012 - 146

MUNICIPAL ORDER APPROVING THE PROBATIONARY APPOINTMENTS OF ANDREW J. EMBRY AND BRYAN K. FULTON TO THE POSITION OF FIREFIGHTER IN THE FIRE DEPARTMENT

Summary of Municipal Order No. 2012 - 146 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 hiring process and recommended the appointments. Mayor Wilkerson asked for additional discussion, and with none, a roll call vote was taken.

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

Municipal Order No. 2012 - 146 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2012 - 147

MUNICIPAL ORDER AUTHORIZING THE UPGRADE OF PUBLIC SAFETY SOFTWARE FROM ENROUTE EMERGENCY SYSTEMS IN THE AMOUNT NOT TO EXCEED \$350,000

Summary of Municipal Order No. 2012 - 147 was read by the Assistant City Manager/City Clerk. Motion was made by Waltrip and seconded by Nash for consideration of said Municipal Order. DeFebbo recommended approval of a sole source vendor to upgrade the Communications software system. Mayor Wilkerson asked for additional discussion, and with none, a roll call vote was taken.

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

Municipal Order No. 2012 - 147 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2012 - 148

MUNICIPAL ORDER AUTHORIZING SOFTWARE SUBSCRIPTION SERVICES FROM NEW WORLD SYSTEMS IN THE AMOUNT OF \$91,293 FOR FISCAL YEAR 2013

Summary of Municipal Order No. 2012 - 148 was read by the Assistant City Manager/City Clerk. Motion was made by Hill and seconded by Nash for consideration of said Municipal Order. DeFebbo indicated the City had switched to an enterprise software a few years ago and recommended approval for its continued maintenance. He noted there was a 5% increase which represented some additional components that went live during the past year. Mayor Wilkerson asked for additional discussion, and with none, a roll call vote was taken.

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

Municipal Order No. 2012 - 148 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2012 - 149

MUNICIPAL ORDER AUTHORIZING AND ACCEPTING BID #2012-42 FOR NETAPP HARDWARE/SOFTWARE AND SERVICES FROM JBK NETWORK CONSULTING OF BOWLING GREEN, KENTUCKY IN THE AMOUNT NOT TO EXCEED \$130,000

Summary of Municipal Order No. 2012 - 149 was read by the Assistant City Manager/City Clerk. Motion was made by Waltrip and seconded by Nash for consideration of said Municipal Order. As it relates to the Storage Area Network (SAN), Mr. DeFebbo recommended the bid award to upgrade the existing system which would include an upgrade for the Alternate 911 Communications Center and disaster recovery site at Greenwood Fire Station. Mayor Wilkerson asked for additional discussion, and with none, a roll call vote was taken.

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

Municipal Order No. 2012 - 149 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2012 - 150

MUNICIPAL ORDER AUTHORIZING AND ACCEPTING BID #2013-01 FOR CISCO WIRELESS MESH HARDWARE FROM JBK NETWORK CONSULTING OF BOWLING GREEN, KENTUCKY IN THE AMOUNT OF \$60,569.80

Summary of Municipal Order No. 2012 - 150 was read by the Assistant City Manager/City Clerk. Motion was made by Waltrip and seconded by Nash for consideration of said Municipal Order. DeFebbo recommended the purchase of replacement equipment (known as access points) for the outdoor wireless system which had been damaged by storms in the last several months. Mayor Wilkerson asked for additional discussion, and with none, a roll call vote was taken.

ROLL CALL: Voting Yea: Waltrip, Denning, Hill, Nash and Wilkerson
 Voting Nay: None
Municipal Order No. 2012 - 150 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2012 - 151

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. 2012 - 151 was read by the Assistant City Manager/City Clerk. Motion was made by Waltrip and seconded by Nash for consideration of said Municipal Order. DeFebbo recounted the on-going support the City provides to the Transpark and recommended the contract extensions for maintaining the existing rights-of-way. Mayor Wilkerson asked for additional discussion, and with none, a roll call vote was taken.

ROLL CALL: Voting Yea: Waltrip, Denning, Hill, Nash and Wilkerson
 Voting Nay: None
Municipal Order No. 2012 - 151 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2012 - 152

MUNICIPAL ORDER AUTHORIZING A CONTRACT FOR THE PURCHASE OF A WOOD CHIPPER AND WINCH ATTACHMENT FROM VERMEER OF KENTUCKY FOR PARKS AND RECREATION LANDSCAPE DIVISION IN THE TOTAL AMOUNT OF \$39,408.88

Summary of Municipal Order No. 2012 - 152 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 acknowledged the need to have the right equipment for the job as the City cleans up downed trees after storms and performs annual tree maintenance. He reported that the Landscape Division had been borrowing a smaller chipper kept by the Public Works Operations Division and it was time to invest in a larger chipper to be kept by Landscape. Mayor Wilkerson asked for additional discussion, and with none, a roll call vote was taken.

ROLL CALL: Voting Yea: Waltrip, Denning, Hill, Nash and Wilkerson
 Voting Nay: None
Municipal Order No. 2012 - 152 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2012 - 153

MUNICIPAL ORDER AUTHORIZING THE ACCEPTANCE OF A GRANT FROM THE U.S. DEPARTMENT OF JUSTICE, OFFICE OF JUSTICE PROGRAMS, BUREAU OF JUSTICE ASSISTANCE FOR 2012 EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT (JAG) FUNDS IN THE AMOUNT OF \$34,423

Summary of Municipal Order No. 2012 - 153 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 and recommended acceptance of the grant funds which would be shared equally (50/50) with Warren County. He noted the Police Department would use its share to purchase more in-car cameras. Mayor Wilkerson asked for additional discussion, and with none, a roll call vote was taken.

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

Municipal Order No. 2012 - 153 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2012 - 154

**MUNICIPAL ORDER AUTHORIZING A CONTRIBUTION FROM
THE CITY'S GENERAL FUND IN THE AMOUNT OF \$400,000 TO
THE BOWLING GREEN POLICE AND FIREFIGHTERS
RETIREMENT FUND FOR FISCAL YEAR 2013**

Summary of Municipal Order No. 2012 - 154 was read by the Assistant City Manager/City Clerk. Motion was made by Waltrip and seconded by Denning for consideration of said Municipal Order. Mayor Wilkerson explained that the Police and Firefighters Retirement Fund Board of Trustees, made up of two retirees, the Mayor and Chief Financial Officer, manage the closed pension fund, which was supposed to be self-supporting, with the assistance of financial advisors. He noted that the City's annual contribution supports the Fund to meet its unfunded liability since it is unable to keep pace on its own. Chief Financial Officer Jeff Meisel reported that there was approximately \$950,000 to \$1 million paid out of the Fund on an annual basis and it has only achieved a 4.2% return on investments this past year which was less than the projected 6% needed to cover its costs.

Retired Firefighter and member of the Board of Trustees Tom Harris recounted that the Retirement Fund was closed in 1988 and that there were presently 43 people dependent on the retirement checks for their livelihood. He requested the Board of Commissioners find the money to provide a cost of living adjustment (COLA) for the retirees and beneficiaries.

Mayor Wilkerson reported that there was a split vote (2-2) this year among the members of the Board of Trustees regarding the ability to provide a COLA to annuitants. He affirmed that the City wants to take care of its retirees; however, the Fund did not have sufficient assets to provide a compounded COLA each year and such an impact could bring the closed pension fund to below 80% funded which puts it in an at-risk category. Mayor Wilkerson also mentioned that State retirees would not receive a COLA this year or next year either. He indicated it was his fiduciary responsibility to consider the inability of the Fund to sustain giving a COLA this year and his decision was based on comments from Financial Advisor Robert Kirby regarding the Fund's performance. He further indicated that future COLAs could still be provided depending on how the Fund's investments continued to perform.

In response to a question by Comm. Denning, Mr. Meisel recounted that the City approved a 2.96% COLA in the FY2013 budget for employees which percentage was determined by the Kentucky Department for Local Government. He also explained the Retirement Fund's monthly costs, assets

and projected unfunded liability, and agreed that a 2.96% COLA would not appear prudent at this time. City Attorney Gene Harmon specified that the \$400,000 was the City's annual catch up payment to help reduce the unfunded liability. He stated that any COLA would potentially increase the City's contribution in future years. Comm. Denning commented that the City had an obligation to take care of its Police and Fire retirees and widows regardless of the cost.

Comm. Waltrip stated that he could not argue with figures, but he agreed the City had a responsibility to the participants of the closed pension plan. He further stated that the responsible thing would be to provide a contribution at a level where a COLA could be given. Comm. Hill inquired if there was anything the City could do to protect or off set the Fund if a COLA was given. Mr. Meisel reported there would be an approximate \$5.3 million effect from compounding. Comm. Waltrip surmised that with the average age at 75, the City should do what it could now for the retirees.

Discussion continued about the existing unfunded liability and how to determine if a COLA should be given and at what amount. Comm. Waltrip suggested that the City's annual contribution should be discussed during the budget process in more detail, including the ability to provide a COLA for the coming year. Mr. Meisel specified that an actuarial report of the Fund was used to determine how much to budget and to maintain a 15 year plan

With recent State legislation, Mr. Harmon advised that the Board of Commissioners could override the Board of Trustees to provide a COLA that was determined to not be actuarially sound. However, he pointed out that such an action would be independent of this action tonight.

Following further discussion about whether or not other retirement systems were giving COLAs this year, Comm. Nash indicated that the decision was about the level of support the City should provide to its closed pension fund. Comm. Waltrip noted that the City generally has under spending at the end of each budget year and should put some of that money toward taking care of the retirees. He further stated that he would be sponsoring a municipal order regarding a cost of living increase for consideration at the next meeting. Comm. Nash concurred that it was the City's responsibility to take care of the retirees and would be in support of such action. However, he indicated that he would have to study the numbers before determining the appropriate amount. Once the discussion ended, a roll call vote was taken.

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

Municipal Order No. 2012 - 154 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2012 - 155

MUNICIPAL ORDER APPROVING SECOND AMENDED LEASE AGREEMENT WITH CRAWDADDY ENTERPRISES, INC., D/B/A 440 MAIN FOR LEASE OF A PORTION OF THE PUBLIC SIDEWALK LOCATED IN FRONT OF 440 EAST MAIN, 442-444 EAST MAIN AND 436 EAST MAIN

Summary of Municipal Order No. 2012 - 155 was read by the Assistant City Manager/City Clerk. Motion was made by Nash and seconded by Denning for consideration of said Municipal

Order. DeFebbo reviewed the two amended sidewalk lease agreements included on the agenda (referring to both this item and the next, Municipal Order No. 2012-156) which would expand their existing leased areas. Comm. Nash inquired if the lease agreement for 440 Main could be altered to a shorter time period, such as three or four months instead of a year. City Attorney Gene Harmon confirmed that any time period could be set since this was the City's property being leased. He also clarified that both agreements expanded the Alcoholic Beverage Control (ABC) leased premises, to in front of other businesses which had also consented to the use of the property.

Comm. Nash made a motion, seconded by Hill, to amend Municipal Order No. 2012 - 155 for the purpose of altering the term of the lease from twelve months to three months, with a renewal for three additional months in order for 440 Main to become compliant with other City ordinances. With no other discussion, a roll call vote was taken.

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

Motion to amend Municipal Order No. 2012 - 155 to change the term of the lease to three months was approved by unanimous vote.

Following the vote, Mr. Harmon suggested the City may want to find a better way to more clearly delineating where the leased premises begin and end for all sidewalk leases to assist the Police with ABC enforcement. He explained that the licensee was responsible for keeping patrons with alcoholic beverages to stay within the leased premise. Once all the discussion ended, a roll call vote was taken.

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

Municipal Order No. 2012 - 155 as amended was approved by unanimous vote.

MUNICIPAL ORDER NO. 2012 - 156

MUNICIPAL ORDER APPROVING AMENDED LEASE AGREEMENT WITH COLBEN HOLDINGS, LLC D/B/A BOWLING GREEN PIPE AND CIGAR FOR LEASE OF A PORTION OF THE PUBLIC SIDEWALK LOCATED IN FRONT OF 430-432 AND 434 EAST MAIN

Summary of Municipal Order No. 2012 - 156 was read by the Assistant City Manager/City Clerk. Motion was made by Waltrip and seconded by Denning for consideration of said Municipal Order. This item was discussed in conjunction with the previous item, Municipal Order No. 2012 - 155, on the agenda. Mayor Wilkerson confirmed that the amendment to the 440 Main lease agreement did not apply to this lease agreement. With no additional discussion, a roll call vote was taken.

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

Municipal Order No. 2012 - 156 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2012 - 157

MUNICIPAL ORDER WAIVING FEES AND COSTS
REIMBURSEMENT RELATED TO THE USE OF CITY PROPERTY
AND CITY PERSONNEL BY AMERICAN IDOL FOR PROGRAM
AUDITIONS

Summary of Municipal Order No. 2012 - 157 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 remarked that purportedly American Idol would appear in Bowling Green at a future date in time and had requested the waiver of fees in exchange for the City's national recognition. Mayor Wilkerson asked for additional discussion, and with none, a roll call vote was taken.

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

Municipal Order No. 2012 - 157 was approved by unanimous vote.

REMOVE FROM TABLE

Motion was made by Hill and seconded by Nash to remove Ordinance No. BG2012 - 27 from the table for its first reading. With no discussion, a roll call vote was taken.

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

Motion to remove Ordinance No. BG2012 - 27 from the table for consideration at this time was approved by unanimous vote.

ORDINANCE NO. BG2012 - 27

(First Reading)

ORDINANCE AMENDING ZONING ORDINANCE

ORDINANCE AMENDING ARTICLES 1, 2, 3, 4, 5, 6 AND 8 AND
APPENDIXES 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 - 27 was read by the Assistant City Manager/City Clerk. Motion was made by Waltrip and seconded by Denning for first reading of said Ordinance. At the request of the City Manager, City Attorney Gene Harmon outlined some additional changes which had been proposed by Mayor Wilkerson during the discussion of the Ordinance at the last meeting, in addition to a recommendation by staff to remove language in Sec. 5.3.3 (Other Temporary Uses) regarding the requirement to provide temporary use permits which was determined to be unclear as to its intent and applicability to the City.

City-County Planning Commission Director Steve Hunter explained the temporary use permit process which was designed to regulate short-term large events without forcing a rezoning of the property. Since the City was not consulted about the proposed language and the potential impacts it would have on the ability to comply and enforce, Mr. DeFebbo recommended putting that portion of the Ordinance in abeyance (tabling Sec. 5.3.3) to allow staff time to study the issue. Mr. Hunter

suggested leaving the language as is, but to denote that it was a Warren County provision not applicable to the City. Comm. Nash expressed his frustration with the lack of communication from the Planning Commission about proposed changes that could be a significant issue and he suggested that Mr. Hunter notify City staff in advance to avoid these kinds of problems. He proposed to table the whole Ordinance until the issues could be worked out. Mr. Hunter requested the Board allow all other changes to be considered tonight since many of the revisions coincided with the Comprehensive Plan which would become effective September 1st.

Mayor Wilkerson outlined the additional changes he proposed regarding historic preservation guidelines. He reported that he had previously sent out his changes to the Board members, attended the last Historic Preservation Board (HPB) meeting and discussed at length the need to separate the judicial responsibilities from the advocacy role with member of the HPB. He acknowledged that not everyone was in agreement to the proposed changes which he believe addressed a conflict of interest. Attorney Hamp Moore, representing the Planning Commission, expressed support for the proposed changes which addressed a concern of his regarding the mixed role of the HPB.

Historic Preservation Board members Eric Reed (former chairman), Shawn Sinclair, and Donna Wolbe (current chairman) each expressed concerns about the proposed changes in Articles 2 and 3 that related to the HPB. Mr. Reed requested the Board table this portion of the amendments to allow more time for review and provide the HPB with the opportunity to study the impacts that the changes may have on the ability to maintain its Certified Local Government destination. Mr. Sinclair noted that the HPB had been around for over 30 years and never denied an application and inquired why there was a need to make changes now. Ms. Wolbe explained that the HPB was an advocate and worked with people to stay within the established historic preservation guidelines. She commented that she thought the Board of Commissioners did not have enough information to make an informed decision and she also requested the issue be set aside. Historic Preservation Planner Miranda Clements provided a brief outline of the process undertaking by her position and the HPB.

There was continued discussion regarding the advocacy and judiciary role that the HPB members took and purported repercussions of the loss of either of those abilities. Mr. Hunter pointed out that some items were clearly staff responsibilities and part of Ms. Clements' job description. Mayor Wilkerson confirmed that he did not want to diminish the HPB functions, but preferred more defined roles. Comm. Denning suggested all the parties work together to find a solution so they could move forward. Comm. Waltrip agreed and said he wanted to see these issues tabled from the Ordinance tonight to give the HPB more time to investigate the impact of the proposed changes. Mayor Wilkerson pointed out that many of the other proposed changes in the Ordinance needed to be addressed due to the new Comprehensive Plan taking effect.

Jay Sloan, of 636 E 13th Street and co-founder of the Landmark Association, expressed an interest in the issue since he lived in an historic home. He urged the Board of Commissioners to give careful consideration before leaping into making changes to a system that was working well. He noted that members of the HPB want to be helpful and make suggestions. He urged the Board not to get hung up on this distinction.

Mr. Hunter suggested the Board table Articles 2 and 5 and proceed to approve first reading of all other changes tonight. Motion was made by Waltrip, seconded by Denning, to table any further consideration of Articles 2 and 5 at this time to allow City staff, Planning Commission staff and

Historic Preservation Board members additional time to discuss the impact of other changes proposed by Mayor Wilkerson and City staff. Consequently, Ordinance No. 2012 – 27 was amended to remove all proposed changes to Articles 2 and 5 in their entirety, and for those two Articles to be brought back for consideration at the next meeting separately from this Ordinance. Comm. Nash stated he did not think his opinion would change but agreed to go along with tabling that portion of the discussion in the interest of transparency. With no other discussion, a roll call vote was taken on the amendment.

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

Motion to amend Ordinance No. BG2012 - 27 at first reading to remove Articles 2 and 5 from consideration at this time was approved by unanimous vote.

Motion was made by Denning, seconded by Nash, to amend Ordinance No. 2012 – 27 a second time to incorporate amendments in Sec. 3.13.1 previously adopted by Warren County Fiscal Court. Following clarification of the additional changes, a roll call vote was taken on the second amendment.

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

Motion to amend Ordinance No. BG2012 - 27 at first reading to incorporate amendments made by Warren County Fiscal Court in Sec. 3.13.1 was approved by unanimous vote.

ORDINANCE NO. BG2012 – 27
(First Reading As Amended)
ORDINANCE AMENDING ZONING ORDINANCE

ORDINANCE AMENDING ARTICLES 1, ~~2~~, 3, 4, ~~5~~, 6 AND 8 AND
APPENDIXES OF THE ZONING ORDINANCE FOR THE CITY OF
BOWLING GREEN, KENTUCKY AS RECOMMENDED BY THE
CITY-COUNTY PLANNING COMMISSION, WITH ADDITIONAL
REVISIONS BY WARREN COUNTY FISCAL COURT

With no further discussion, a roll call vote was taken on the first reading of Ordinance No. BG2012 – 27 as amended.

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

First reading of Ordinance No. BG2012 – 27 as amended was approved by unanimous vote.

CLOSED SESSION

Following a brief recess to clear the Commission Chamber, the Board of Commissioners met at approximately 10:00 p.m. in closed session pursuant to KRS 61.810 (1) (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 10:20 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 2013-2017 Warren County Solid Waste Management Plan; and 2) the applicability of the City Net Profit License Fee on capital gains and losses.

ADOPTED: _____

APPROVED: _____
Mayor, Chairman of Board of Commissioners

ATTEST: _____
City Clerk

Minutes prepared by Assistant City Manager/City Clerk Katie Schaller