

**MINUTES of REGULAR MEETING
of the BOARD of COMMISSIONERS
of the CITY of BOWLING GREEN, KENTUCKY
held AUGUST 5, 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 August 5, 2014. Mayor Bruce Wilkerson called the meeting to order. An invocation was given by Mayor Wilkerson, and all present recited the Pledge of Allegiance. Assistant City Clerk Ashley Jackson 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.

ANNOUNCEMENT

Mayor Wilkerson announced the retirement of Chief Building Inspector Glenn Burns with over 20 years of service with the City.

CITY MANAGER

City Manager Kevin D. DeFebbo requested a closed session for the purpose of discussion about proposed litigation on behalf of the City. Motion was made by Hill and seconded by Waltrip to convene in closed session following the regular meeting pursuant to KRS 61.810 (1) (c). 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) (c) was approved by unanimous vote.

APPROVAL OF MINUTES

Minutes of Regular Meeting July 15, 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 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: Hill, Waltrip, Williams, Denning and Wilkerson
 Voting Nay: None

Motion to approve the minutes of the regular meeting of July 15, 2014 was approved by unanimous vote.

PUBLIC COMMENTS

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

REGULAR AGENDA

ORDINANCE NO. BG2014 - 12

(Second Reading-As Amended)

ORDINANCE AMENDING CODE OF ORDINANCES

ORDINANCE AMENDING CHAPTERS 2 (ADMINISTRATION) AND 27 (PROPERTY CODE) OF THE CITY OF BOWLING GREEN CODE OF ORDINANCES TO ADOPT RECOMMENDED CHANGES FROM THE CITIZENS COMMITTEE ESTABLISHED TO REVIEW THE CITY'S PROPERTY CODE AND CHANGES RECOMMENDED BY THE NEIGHBORHOOD AND COMMUNITY SERVICES DEPARTMENT

Title and summary of Ordinance No. BG2014 - 12 was read by the Assistant City Clerk. Motion was made by Waltrip and seconded by Hill for second reading of said Ordinance as amended. 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

Ordinance No. BG2014 - 12 was adopted by unanimous vote.

ORDINANCE NO. BG2014 - 20

(Second Reading)

ORDINANCE REZONING REAL ESTATE

ORDINANCE REZONING A TRACT OF LAND CONTAINING 0.34 ACRE FROM RM-3 (MULTI-FAMILY RESIDENTIAL) TO GB (GENERAL BUSINESS) LOCATED AT 1552 PARKHURST DRIVE, PRESENTLY OWNED BY TEO KLJAIC

Title and summary of Ordinance No. BG2014 - 20 was read by the Assistant City Clerk. The Mayor stated that this ordinance and the following ordinance (No. BG2014 - 20A) are related, and asked City Attorney Gene Harmon to explain the protocol for the second reading of this rezoning. Mr. Harmon reviewed the procedure and reiterated that the first reading was held several weeks ago. The Board would now be required to approve the second reading of the ordinance before them. If the first ordinance is approved, the following ordinance could be withdrawn from the agenda. However, if the first ordinance were to be voted down, there would be a need to approve the following ordinance which denies the rezoning. He further commented that the owner was present and may want an opportunity to make comments. Mr. Kljaic apologized for not being available at the previous meeting as he was out-of-town. He explained that he did not have his business plans together when he presented to the City-County Planning Commission, and believed that was the reason why some of the Planning Commission members voted against the rezoning. In addition, he confirmed that he was planning to open a frame shop, which may include arts and crafts, a small business with no negative impacts to the neighborhood, with plans to hire several employees which would create jobs and revenue for the City. Mr. Kljaic provided the Commissioners with a petition supporting this rezoning with over 100 signatures from his neighbors. There was a question from Comm. Hill regarding the owner's initial uncertainty of the type of business he planned to open and he confirmed it would be a

frame shop and he would include this in the binding elements if necessary. Mr. Hunter was asked to explain what zone GB (General Business) would include, and following some discussion, he commented that some of the Planning Commission members could have thought there were discrepancies between the Land Use Map and binding elements, which may explain the no votes. It was also confirmed that Mr. Kljaic lives in the house on the property and plans to build a shop for his business. Mr. Harmon recommended if the property owner would like to apply additional binding elements, the rezoning should be withdrawn and a new application should be filed without recourse. Otherwise, if the current rezoning is denied, the owner would be required to wait a period of time before reapplying. Comm. Hill said that she would prefer the owner have a frame shop behind the house rather than apartments in the neighborhood, and Comm. Waltrip concurred and added that he would be voting in favor of the rezoning but would not bind himself to approve additional rezoning requests for adjacent properties. Comm. Williams emphasized that his questions throughout the meeting were asked out of concern for not only what Mr. Kljaic would be doing with the property but what future property owners could do. Motion was made by Hill and seconded by Waltrip for second reading of said Ordinance. 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

Ordinance No. BG2014 - 20 was adopted by unanimous vote.

ORDINANCE NO. BG2014 - 20A
(Second Reading)
ORDINANCE REZONING REAL ESTATE

ORDINANCE REJECTING RECOMMENDATIONS OF THE CITY-COUNTY PLANNING COMMISSION AND DENYING REZONING OF A TRACT OF LAND CONTAINING 0.34 ACRE FROM RM-3 (MULTI-FAMILY RESIDENTIAL) TO GB (GENERAL BUSINESS) LOCATED AT 1552 PARKHURST DRIVE, PRESENTLY OWNED BY TEO KLJAIC

Ordinance No. BG2014-20A was withdrawn from the agenda by Mayor Wilkerson.

MUNICIPAL ORDER NO. 2014 - 156

MUNICIPAL ORDER APPROVING THE REAPPOINTMENTS OF WATHETTA BUFORD, MATT EDWARDS AND CLAY SMALLEY AND THE APPOINTMENT OF DAN RUDLOFF TO THE HUMAN RIGHTS COMMISSION

Summary of Municipal Order No. 2014 - 156 was read by the Assistant City Clerk. Motion was made by Hill and seconded by Williams for consideration of said Municipal Order. Mayor Wilkerson recommended the reappointments and appointment to the Human Rights Commission. Comm. Denning commented that these were excellent appointments. 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 - 156 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2014 - 157

MUNICIPAL ORDER AUTHORIZING AND ACCEPTING NEGOTIATIONS AFTER SEALED BIDDING FOR BID #2014-35 FOR SLOAN CONVENTION CENTER RESTROOM FIXTURE REPLACEMENT FROM CARTER DOUGLAS COMPANY, LLC OF RUSSELLVILLE, KENTUCKY IN THE AMOUNT OF \$40,000

Summary of Municipal Order No. 2014 - 157 was read by the Assistant City Clerk. Motion was made by Hill and seconded by Waltrip for consideration of said Municipal Order. DeFebbo explained that the City strives to make necessary improvements to the Sloan Convention Center. However, the initial bid came in over budget, but the City was able to negotiate after sealed bidding, lowering the price and reducing the material to make it more affordable. It was also mentioned that the Convention Center Corporation (CCC) typically approves purchases before the Board of Commissioners; however, this action would be approved retroactively. Comm. Denning acknowledged Mike Grubbs and his talented efforts managing the Convention Center. 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 - 157 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2014 - 158

MUNICIPAL ORDER AUTHORIZING AND ACCEPTING BID #2015-02 FOR BANQUET SMALLWARES FOR THE SLOAN CONVENTION CENTER FROM STAFFORD-SMITH, INC. OF BAY CITY, MICHIGAN AND SAM TELL & SON, INC. OF FARMINGDALE, NEW YORK IN THE TOTAL AMOUNT OF \$55,619.60

Summary of Municipal Order No. 2014 - 158 was read by the Assistant City Clerk. Motion was made by Hill and seconded by Williams for consideration of said Municipal Order. DeFebbo commented on the importance and need to replace smallwares at the Sloan Convention Center, and recommended the approval of the purchase. 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 - 158 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2014 - 159

MUNICIPAL ORDER AUTHORIZING AND ACCEPTING THE PURCHASE OF TASERS AND RELATED ACCESSORIES FOR THE POLICE DEPARTMENT FROM GULF STATES DISTRIBUTORS OF MONTGOMERY, ALABAMA IN AN AMOUNT NOT TO EXCEED \$30,000

Summary of Municipal Order No. 2014 - 159 was read by the Assistant City Clerk. Motion was made by Hill and seconded by Williams for consideration of said Municipal Order. DeFebbo mentioned that tasers had an approximate life span of about 7-10 years and the Police Department was working toward a 3 year taser replacement program. This purchase would include the first portion of the replacement program. 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 - 159 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2014 - 160

MUNICIPAL ORDER AUTHORIZING AND ACCEPTING THE PURCHASE OF IN-CAR CAMERAS FOR THE POLICE DEPARTMENT FROM COBAN TECHNOLOGIES, INC. OF HOUSTON, TEXAS IN AN AMOUNT NOT TO EXCEED \$176,000

Summary of Municipal Order No. 2014 - 160 was read by the Assistant City Clerk. Motion was made by Hill and seconded by Waltrip for consideration of said Municipal Order. DeFebbo recommended the purchase of in-car cameras for the twelve new police vehicles that were approved for purchase at the previous meeting. 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 - 160 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2014 - 161

MUNICIPAL ORDER AUTHORIZING AND ACCEPTING THE PURCHASE OF ADDITIONAL POLICE VEHICLE EQUIPMENT UNDER BID #2014-18 FROM LAW ENFORCEMENT SUPPLY OF MARIETTA, GEORGIA, TRUCKERS LIGHTHOUSE OF NASHVILLE, TENNESSEE AND ON-DUTY DEPOT OF OWENSBORO, KENTUCKY IN THE TOTAL AMOUNT OF \$50,497.92

Summary of Municipal Order No. 2014 - 161 was read by the Assistant City Clerk. Motion was made by Hill and seconded by Waltrip for consideration of said Municipal Order. DeFebbo indicated that the new police vehicles required the appropriate equipment and this equipment would be

purchased off of the original Police vehicle equipment bid (Bid #2014-18) at the same rate. 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 - 161 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2014 - 162

MUNICIPAL ORDER AUTHORIZING AND ACCEPTING BID #2015-04 FOR CISCO SMARTNET ANNUAL RENEWAL FROM JBK NETWORK CONSULTING OF BOWLING GREEN, KENTUCKY IN THE AMOUNT OF \$36,378.92

Summary of Municipal Order No. 2014 - 162 was read by the Assistant City Clerk. Motion was made by Waltrip and seconded by Hill for consideration of said Municipal Order. DeFebbo recommended the lowest bid award for Cisco Smartnet annual renewal from local vendor JBK Network Consulting. 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 - 162 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2014 - 163

MUNICIPAL ORDER AUTHORIZING SOFTWARE SUBSCRIPTION SERVICES FROM NEW WORLD SYSTEMS IN THE AMOUNT OF \$99,285 FOR FISCAL YEAR 2015

Summary of Municipal Order No. 2014 - 163 was read by the Assistant City Clerk. Motion was made by Waltrip and seconded by Hill for consideration of said Municipal Order. DeFebbo recommended the annual maintenance subscription, and recognized IT Director Lynn Hartley for his negotiations with New World as there was only a 1% increase this year. 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 - 163 was approved by unanimous vote.

**ORDINANCE NO. BG2014 - 22
(First Reading)
ORDINANCE REZONING REAL ESTATE**

ORDINANCE REZONING TRACTS OF LAND CONTAINING 54.33 ACRES FROM AG (AGRICULTURE) AND RS-1A (SINGLE FAMILY RESIDENTIAL) TO P (PUBLIC) AND F (FLOOD PLAIN) LOCATED BETWEEN DISHMAN LANE AND CAVE MILL ROAD, AND 4.12 ACRES FRONTING CAVE MILL ROAD, BETWEEN CAVE MILL ROAD AND DISHMAN LANE, FROM AG

(AGRICULTURE) TO GB (GENERAL BUSINESS) AND F (FLOOD PLAIN), PRESENTLY OWNED BY FRIENDS OF THE LOST RIVER, INC., WESTERN KENTUCKY UNIVERSITY AND WARREN COUNTY FISCAL COURT

Title and summary of Ordinance No. BG2014 - 22 was read by the Assistant City Clerk. Motion was made by Waltrip and seconded by Hill for first reading of said Ordinance. Mayor Wilkerson asked for discussion, and with none, a roll call vote was taken.

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

First reading of Ordinance No. BG2014 - 22 was approved by unanimous vote.

RESOLUTION NO. 2014 - 1

RESOLUTION EXPRESSING SUPPORT OF BID TO HOST THE REGIONAL NEIGHBORHOOD NETWORK CONFERENCE (RNNC)

Summary of Resolution No. 2014 - 1 was read by the Assistant City Clerk. Motion was made by Hill and seconded by Williams for consideration of said Resolution. DeFebbo stated that this was a resolution allowing the City to compete to host the Regional Neighborhood Network Conference (RNNC) and Bowling Green previously hosted. He also confirmed that we were 1 of 18 from five different states that had neighborhood services staff. The City may be asked to assist financially, but staff intends to apply for monies through tourism and other sources. 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

Resolution No. 2014 - 1 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2014 - 164

MUNICIPAL ORDER AUTHORIZING THE SUBMISSION AND ACCEPTANCE OF A GRANT APPLICATION WITH THE FEDERAL TRANSIT ADMINISTRATION FOR FEDERAL FISCAL YEAR 2015 FEDERAL TRANSPORTATION ASSISTANCE UNDER THE SECTION 5307 PROGRAM

Summary of Municipal Order No. 2014 - 164 was read by the Assistant City Clerk. Motion was made by Waltrip and seconded by Williams for consideration of said Municipal Order. DeFebbo recommended the permission to apply and accept the grant application. 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 - 164 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2014 - 165

MUNICIPAL ORDER AUTHORIZING PAYMENT TO THE
WARREN COUNTY PROPERTY VALUATION ADMINISTRATOR
FOR FISCAL YEAR 2015

Summary of Municipal Order No. 2014 - 165 was read by the Assistant City Clerk. Motion was made by Hill and seconded by Denning for consideration of said Municipal Order. DeFebbo remarked that the City and Warren County had an ongoing collaboration for property assessment services and recommended approval. Mayor Wilkerson praised Bob Branstetter for a job well done. 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 - 165 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2014 - 166

MUNICIPAL ORDER APPROVING AN EXCHANGE OF
INFORMATION AGREEMENT WITH THE KENTUCKY
DEPARTMENT OF REVENUE AND AUTHORIZING CITY
EMPLOYEES TO REQUEST, RECEIVE AND PROVIDE
INFORMATION

Summary of Municipal Order No. 2014 - 166 was read by the Assistant City Clerk. Motion was made by Hill and seconded by Waltrip for consideration of said Municipal Order. DeFebbo reviewed the need for confidentiality with the disclosure of certain tax or other information. Gene Harmon identified that along with some revisions made by the Kentucky Department of Revenue, Senior Revenue Accountant Sean Weeks was added as an authorized employee. 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 - 166 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2014 - 167

MUNICIPAL ORDER APPROVING LEASE AGREEMENT WITH
TEA SQUARES, LLC D/B/A TEA BAYOU FOR LEASE OF A
PORTION OF THE PUBLIC SIDEWALK LOCATED IN FRONT OF
906 STATE STREET

Summary of Municipal Order No. 2014 - 167 was read by the Assistant City Clerk. Motion was made by Hill and seconded by Waltrip for consideration of said Municipal Order. DeFebbo stated that at the request of Tea Bayou this agreement would allow four tables and sixteen chairs to be permissible in front of their business. 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 - 167 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2014 – 168

MUNICIPAL ORDER AUTHORIZING THE ACCEPTANCE OF A GRANT FROM THE U.S. DEPARTMENT OF JUSTICE, OFFICE OF JUSTICE PROGRAMS, BUREAU OF JUSTICE ASSISTANCE THROUGH THE BULLETPROOF VEST PARTNERSHIP PROGRAM IN THE AMOUNT OF \$5,593.99

Summary of Municipal Order No. 2014 - 168 was read by the Assistant City Clerk. Motion was made by Waltrip and seconded by Hill for consideration of said Municipal Order. DeFebbo recommended the acceptance of the bulletproof vest grant which would be used for new officers and needed replacements. 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 - 168 was approved by unanimous vote.

CLOSED SESSION

Following a brief recess to clear the Commission Chamber, the Board of Commissioners met at approximately 8:00 p.m. in closed session pursuant to KRS 61.810 (1) (c) as previously approved. The Mayor confirmed 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 9:00 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) Legislative Update presented by the Kentucky League of Cities; 2) proposed revisions to the Right-of-Way Excavation Permit Program, and 3) discuss the Bowling Green Police Department's Wrecker Service Agreement. After much discussion, it was determined that the Right-of-Way Excavation Permit Program would be further discussed at an upcoming Board of Commissioners Fall Retreat. Following discussions related to the Police Department Wrecker Service Agreement, the Commissioners determined that the towing fee structure should be updated, and a Request for Proposal (RFP) for the towing of City fleet, not including citizen tows, was recommended. Additionally, Commissioner Waltrip asked about the status of the soccer field project and it was stated that this subject would also be discussed at the Board of Commissioners Fall Retreat.

(Minutes-Board of Commissioners-August 5, 2014)

Commissioner Hill asked about the status of the Covington Family Cemetery. Mr. Harmon confirmed he received the pledged funds from Mr. Covington and closed on the acquisition.

ADOPTED: _____

APPROVED: _____
Mayor, Chairman of Board of Commissioners

ATTEST: _____
City Clerk

Minutes prepared by Assistant City Clerk Ashley Jackson