

**MINUTES of REGULAR MEETING
of the BOARD of COMMISSIONERS
of the CITY of BOWLING GREEN, KENTUCKY
held SEPTEMBER 3, 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 September 3, 2013. Mayor Bruce Wilkerson called the meeting to order. An invocation was given by Pastor Luis Bentaco with University Heights Church of Christ. Members of Boy Scout Troop 510 led the Pledge of Allegiance recited by all. Assistant City Manager/City Clerk Katie Schaller called the roll, and the following members were present: Commissioner Rick Williams, Commissioner Joe W. Denning, Commissioner Melinda M. Hill, Commissioner Bill Waltrip and Mayor Bruce Wilkerson. Absent: none. There was a full quorum of the Board of Commissioners.

AWARDS & RECOGNITIONS

Mayor Wilkerson announced three recent retirements and expressed appreciation for their service to the City, as well as wished them well in their future endeavors. The retirements included Parks and Recreation Community Center Supervisor Sandra Young with 33 years of service, Neighborhood and Community Services Plan Reviewer Corby Lambert with a cumulative total of 31 years of service, and Fire Company Commander Terry Bucklew with 28 years of service.

CITY MANAGER

City Manager Kevin D. DeFebbo requested a closed session for the purpose of discussion on the future acquisition 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, and for discussion of proposed litigation against and on behalf of the City. Mr. DeFebbo stated that no action was expected to follow the discussion. 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: Williams, Denning, Hill, Waltrip 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 20, 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 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: Williams, Denning, Hill, Waltrip and Wilkerson
 Voting Nay: None

Motion to approve the minutes of the regular meeting of August 20, 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 - 26

(Second 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 second reading of said Ordinance. Mayor Wilkerson asked for discussion, and with none, a roll call vote was taken.

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

Ordinance No. BG2013 - 26 was adopted by unanimous vote.

ORDINANCE NO. BG2013 - 27

(Second 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 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: Williams, Denning, Hill, Waltrip and Wilkerson
 Voting Nay: None

Ordinance No. BG2013 - 27 was adopted by unanimous vote.

ORDINANCE NO. BG2013 - 28

(Second 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 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: Williams, Denning, Hill, Waltrip and Wilkerson
Voting Nay: None

Ordinance No. BG2013 - 28 was adopted by unanimous vote.

ORDINANCE NO. BG2013 - 29

(Second 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 Denning 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: Williams, Denning, Hill, Waltrip and Wilkerson
Voting Nay: None

Ordinance No. BG2013 - 29 was adopted by unanimous vote.

ORDINANCE NO. BG2013 - 30

(Second 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 Hill and seconded by Waltrip for second reading of said Ordinance. Mayor Wilkerson asked for discussion, and with none, a roll call vote was taken.

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

Ordinance No. BG2013 - 30 was adopted by unanimous vote.

ORDINANCE NO. BG2013 - 31

(Second 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 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: Williams, Denning, Hill, Waltrip and Wilkerson
 Voting Nay: None

Ordinance No. BG2013 - 31 was adopted by unanimous vote.

MUNICIPAL ORDER NO. 2013 - 136

MUNICIPAL ORDER APPROVING THE PROMOTION OF MICHAEL W. ALEXANDER TO THE POSITION OF COMPANY COMMANDER/EMT IN THE FIRE DEPARTMENT

Summary of Municipal Order No. 2013 - 136 was read by the Assistant City Manager/City Clerk. Motion was made by Hill and seconded by Denning for consideration of said Municipal Order. DeFebbo noted that a retirement caused the opening for promotion within the Department. Fire Chief Greg Johnson commented about retired Company Commander Terry Bucklew and his service and career with the Department. In recommending the promotion, Chief Johnson reviewed Mr. Alexander's qualifications and attributes which would serve him well in the new position. Mayor Wilkerson asked for additional discussion, and with none, a roll call vote was taken.

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

Municipal Order No. 2013 - 136 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2013 - 137

MUNICIPAL ORDER APPROVING THE REAPPOINTMENT OF JULIET BANKS TO THE HUMAN RIGHTS COMMISSION

Summary of Municipal Order No. 2013 - 137 was read by the Assistant City Manager/City Clerk. Motion was made by Denning and seconded by Hill for consideration of said Municipal Order. Mayor Wilkerson explained this reappointment had been inadvertently left off Municipal Order No. 2013 - 131 considered at the last meeting. With no other discussion, a roll call vote was taken.

ROLL CALL: Voting Yea: Williams, Denning, Hill, Waltrip and Wilkerson
 Voting Nay: None
Municipal Order No. 2013 - 137 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2013 – 138

MUNICIPAL ORDER AUTHORIZING AND ACCEPTING BID #2013-49 FOR MICROSOFT EXCHANGE 2013 SOFTWARE FROM JBK NETWORK CONSULTING, LTD OF BOWLING GREEN, KENTUCKY IN THE TOTAL AMOUNT OF \$34,096

Summary of Municipal Order No. 2013 - 138 was read by the Assistant City Manager/City Clerk. Motion was made by Williams and seconded by Hill for consideration of said Municipal Order. DeFebbo reviewed and recommended the bid award in which local preference was applied. Mayor Wilkerson asked for additional discussion, and with none, a roll call vote was taken.

ROLL CALL: Voting Yea: Williams, Denning, Hill, Waltrip and Wilkerson
 Voting Nay: None
Municipal Order No. 2013 - 138 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2013 – 139

MUNICIPAL ORDER AUTHORIZING SOFTWARE SUBSCRIPTION SERVICES FROM NEW WORLD SYSTEMS IN THE AMOUNT OF \$94,557 FOR FISCAL YEAR 2014

Summary of Municipal Order No. 2013 - 139 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 approval of continued maintenance services for the City's enterprise software. He noted there was a rate increase of about 3.5% which followed the terms of the original service agreement. Mayor Wilkerson asked for additional discussion, and with none, a roll call vote was taken.

ROLL CALL: Voting Yea: Williams, Denning, Hill, Waltrip and Wilkerson
 Voting Nay: None
Municipal Order No. 2013 - 139 was approved by unanimous vote.

ORDINANCE NO. BG2013 – 32

(First Reading)

ORDINANCE AMENDING CODE OF ORDINANCES

ORDINANCE AMENDING CHAPTER 23 (WATER AND SEWER), SUBCHAPTER 23-3 (SEWER SYSTEM) OF THE CITY OF BOWLING GREEN CODE OF ORDINANCES AS REQUESTED BY THE BOWLING GREEN MUNICIPAL UTILITIES (BGMU) BOARD

Title and summary of Ordinance No. BG2013 - 32 was read by the Assistant City Manager/City Clerk. Motion was made by Williams and seconded by Denning for first reading of said Ordinance. DeFebbo indicated that specific regulations related to industrial pretreatment needed

to be updated as part of the Federal Clean Water Act Program. As a member of the BGMU Board, Commissioner Williams clarified that these changes were being done in accordance with the federal rules and regulations. In response to a question from the Mayor, BGMU General Manager Mark Iverson confirmed that current industrial based businesses would not have to make any modifications or changes since they were already operating under the requirements. Mayor Wilkerson asked for additional discussion, and with none, a roll call vote was taken.

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

First reading of Ordinance No. BG2013 - 32 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2013 - 140

MUNICIPAL ORDER WAIVING PROVISIONS OF CHAPTER 22
(TRAFFIC AND MOTOR VEHICLES) OF THE CITY OF BOWLING
GREEN CODE OF ORDINANCES AND APPROVING DONATION
OF POLICE SERVICES TO THE BG26.2 AND HALF MARATHON
RUN SPECIAL EVENT TO BE HELD ON NOVEMBER 3, 2013
INCLUDING CALENDAR YEARS 2014 AND 2015

Summary of Municipal Order No. 2013 - 140 was read by the Assistant City Manager/City Clerk. Motion was made by Waltrip and seconded by Hill for consideration of said Municipal Order. As co-sponsor of the Municipal Order, Comm. Waltrip requested Lilly Wheat with TRAXrunning and marathon organizer to provide information about the race. Ms. Wheat stated this was the second year for the annual event which they hoped would become a qualifying event for the Boston Marathon, further ratifying it as a destination race. She indicated that several potential sponsors had come forward and they already had registered participants representing 18 different states.

Comm. Waltrip commented about how the City could help make the race a successful event with the proposal to donate police services for the next three years. He agreed that as a destination race, it would benefit the community by bringing people back year after year.

In response to some questions by the City Manager, Ms. Wheat confirmed that any proceeds from the event would benefit the National Multiple Sclerosis Society, although the first year's event did not produce any proceeds. She also confirmed that the City had worked with them last year to reduce the cost of police services by 50% which was permitted for non-profit organizations and they were in the process of applying for non-profit status for future consideration.

Mayor Wilkerson revealed he would be voting against the donation of police services, but wanted to make it clear his decision had no relation to the group putting on the event or the event itself. He referred back to a couple of years ago when the City Manager requested guidance regarding the large number of requests for police services at special events for no charge, which was costing the taxpayers quite a large amount of money and staff did not feel comfortable agreeing to the requests that were coming in without direction from the Board. Mayor Wilkerson further recounted that in response, the Board had established a policy to grandfather-in certain events which had been occurring for many years at no cost and any new requests would be required to pay their own way. He recapped that for-profit requests would be charged at full price and non-profits at half price, which in his judgment seemed to be a logical approach to the many requests received. By deviating from this

policy, he believed it would be difficult for the Board to remain consistent with its implementation and that half of the cost had already been waived due to the non-profit nature of this event.

Comm. Hill thanked Commissioner Waltrip for approaching the issue. Although she admitted she has tried to be very frugal and watch closely the use of taxpayers' money, Comm. Hill clarified that she was not willing to take a blanket approach to everything the City does. She stated she was willing to consider each individual case and believed that TRAXrunning was looking out for the best interest of Bowling Green. She expressed her appreciation to Ms. Wheat.

In response to a question by Comm. Williams, Mr. DeFebbo reported the actual cost for police services would depend on the number of volunteers lined up to help - the more volunteers, the fewer police officers needed to assist. In addition, he reported that the previous year's cost estimate started out over \$18,000, but the actual cost was around \$12,000 with TRAXrunning paying a little over \$6,000 in the end. Although, he noted that with pay raises implemented in July, the potential costs for this year were already projected to increase some.

There was additional discussion about the race course and ability to use several volunteers. Mr. DeFebbo also clarified that all other requirements for special event permitting still applied and the only change was the waiver for the cost of police services. Ms. Wheat acknowledged her understanding of the application process. Once the discussion ended, a roll call vote was taken.

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

 Voting Nay: Wilkerson

Municipal Order No. 2013 - 140 was approved by majority vote.

COMMENTS BY BOARD OF COMMISSIONERS

Comm. Hill thanked the Bowling Green Area Convention and Visitors Bureau for providing "I Love BG" shirts to each of the Board members. She encouraged anyone interested to go to the Visitor's Bureau located off of Three Springs Road and check out the gift shop and other materials available for the public to purchase promoting Bowling Green and Kentucky.

CLOSED SESSION

Following a brief recess to clear the Commission Chamber, the Board of Commissioners met at approximately 7:40 p.m. in closed session pursuant to KRS 61.810 (1) (b) and (c) as previously approved.

ADJOURNMENT

Once all discussion concluded in closed session and there being no further business to come before the Board of Commissioners, at approximately 8:50 p.m., Mayor Wilkerson declared this meeting adjourned.

(Minutes-Board of Commissioners-September 3, 2013)

ADOPTED: _____

APPROVED: _____
Mayor, Chairman of Board of Commissioners

ATTEST: _____
City Clerk

Minutes prepared by Assistant City Manager/City Clerk Katie Schaller