

**MINUTES of REGULAR MEETING
of the BOARD of COMMISSIONERS
of the CITY of BOWLING GREEN, KENTUCKY
held JULY 15, 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 July 15, 2014. Mayor Bruce Wilkerson called the meeting to order. An invocation was given by Commissioner Rick Williams, 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 Joe W. Denning, Commissioner Melinda M. Hill, Commissioner Bill Waltrip, Commissioner Rick Williams and Mayor Bruce Wilkerson. Absent: none. There was a full quorum of the Board of Commissioners.

ANNOUNCEMENT

Mayor Wilkerson announced new State legislation enacted during the 2014 General Assembly took effect today. He also reported that included in the legislative changes was the removal of the old classification system for cities and that Bowling Green would no longer be referred to as a city of the Second Class, but rather be called a Home Rule City, which would be the same classification given to nearly all other cities as of January 1, 2015.

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

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

Mr. DeFebbo also requested the addition of a late-filed item to the agenda due to time constraints. Motion was made by Denning and seconded by Waltrip to add Municipal Order No. 2014 - 155 to the end of the agenda. Mayor Wilkerson called for roll call vote.

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

Motion to add Municipal Order No. 2014 - 155 to the end of the agenda for consideration was approved by unanimous vote.

APPROVAL OF MINUTES

Minutes of Regular Meeting July 1, 2014

Minutes of the above-referenced meeting were distributed to the Board of Commissioners with the Agenda for their review. Motion was made by Hill and seconded by Williams to approve said minutes as written. Mayor Wilkerson asked for discussion, and with none, a roll call vote was taken.

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

Motion to approve the minutes of the regular meeting of July 1, 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 - 21

(Second Reading)

ORDINANCE ANNEXING PROPERTY BY CONSENT

ORDINANCE ANNEXING 26.24 ACRES OF PROPERTY LOCATED AT THE INTERSECTION OF MT. VICTOR LANE AND OLD LOVERS LANE WITH PROPERTY PRESENTLY OWNED BY BROWNING INVESTORS, LLLP AND O. L. AVERY, JR., AND SAID TERRITORY BEING CONTIGUOUS TO EXISTING CITY LIMITS

Title and summary of Ordinance No. BG2014 - 21 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: Denning, Hill, Waltrip, Williams and Wilkerson
 Voting Nay: None

Ordinance No. BG2014 - 21 was adopted by unanimous vote.

MUNICIPAL ORDER NO. 2014 - 146

MUNICIPAL ORDER APPROVING THE PROBATIONARY APPOINTMENT OF BERNARD S. SCHEWE TO THE POSITION OF SENIOR TRADES WORKER IN THE PARKS AND RECREATION DEPARTMENT

Summary of Municipal Order No. 2014 - 146 was read by the Assistant City Manager/City Clerk. Motion was made by Hill and seconded by Williams for consideration of said Municipal Order. DeFebbo reviewed and recommended appointing the best qualified applicant which required the skills of a master electrician. Mayor Wilkerson asked for additional discussion, and with none, a roll call vote was taken.

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

Municipal Order No. 2014 - 146 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2014 - 147

MUNICIPAL ORDER AUTHORIZING AND ACCEPTING THE PURCHASE OF PULSAR CHLORINE BRIQUETTES FROM SPEAR CORPORATION OF ROACHDALE, INDIANA FOR FISCAL YEAR 2015 IN THE TOTAL AMOUNT OF \$59,628 FOR THE PARKS AND RECREATION DEPARTMENT

Summary of Municipal Order No. 2014 - 147 was read by the Assistant City Manager/City Clerk. Motion was made by Hill and seconded by Waltrip for consideration of said Municipal Order. DeFebbo recommended the sole source purchase for supplies needed at both the Russell Sims Aquatic Center and Circus Square Park Fountain Spray Ground. Mayor Wilkerson asked for additional discussion, and with none, a roll call vote was taken.

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

Municipal Order No. 2014 - 147 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2014 - 148

MUNICIPAL ORDER APPROVING RECOMMENDATION FROM THE BOWLING GREEN AREA CONVENTION AND VISITORS BUREAU (CVB) TO DISTRIBUTE \$150,000 OF TRANSIENT ROOM TAXES TO THE FRIENDS OF LOST RIVER, INC.

Summary of Municipal Order No. 2014 - 148 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 indicated special project funds were available through the CVB. Bowling Green Area Convention and Visitors Bureau Executive Director Vicki Fitch requested the approval for distribution of funds to build a new meeting space at Lost River Cave. Friends of Lost River Executive Director Rho Landsden thanked the CVB for its support and described the proposed use of the new facility. She also invited the Board of Commissioners to tour the grounds. Commissioner Williams said he was pleasantly surprised to learn what he did not know about Lost River Cave when he recently went on the tour. Commissioner Hill recognized Lost River Cave staff and Friends of Lost River board members in attendance. Once the discussion ended, a roll call vote was taken.

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

Municipal Order No. 2014 - 148 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2014 - 149

MUNICIPAL ORDER APPROVING AND RATIFYING THE SUBMISSION OF AN APPLICATION FOR HOMELAND SECURITY GRANT FUNDS RELATED TO THE FIRST RESPONDER EQUIPMENT PROJECT THROUGH THE KENTUCKY OFFICE OF HOMELAND SECURITY FOR THE PURCHASE OF IN-CAR CAMERAS FOR THE POLICE DEPARTMENT IN THE AMOUNT OF \$165,000

Summary of Municipal Order No. 2014 - 149 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 indicated he administratively authorized the application submission since the deadline was July 3rd and the item missed the previous Board of Commissioners meeting. He confirmed no local match was required and the funds would help purchase in-car cameras for Police cruisers. Mayor Wilkerson asked for additional discussion, and with none, a roll call vote was taken.

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

Municipal Order No. 2014 - 149 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2014 – 150

MUNICIPAL ORDER AUTHORIZING AGREEMENTS BETWEEN THE CITY OF BOWLING GREEN AND EACH OF THE FOUR (4) APPROVED SUBRECIPIENTS FOR YEAR 11 COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PROGRAM FUNDING

Summary of Municipal Order No. 2014 - 150 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 recounted the Year 11 Action Plan was approved at a previous meeting and this item authorized execution of the agreements with the Welfare Center, Human Rights Commission, Housing Authority and Big Brothers/Big Sisters of Southcentral Kentucky. Commissioner Hill thanked the citizens who served on the CDBG Review Committee. Mayor Wilkerson asked for additional discussion, and with none, a roll call vote was taken.

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

Municipal Order No. 2014 - 150 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2014 – 151

MUNICIPAL ORDER WAIVING PROVISIONS OF CHAPTER 6 (BUILDING REGULATIONS), SUBCHAPTER 6-8 (BUILDING PERMIT FEES) OF THE CITY OF BOWLING GREEN CODE OF ORDINANCES RELATED TO THE WAIVER OF UP TO FIVE HUNDRED DOLLARS (\$500) OF BUILDING PERMIT FEES FOR EASTON PLACE

Summary of Municipal Order No. 2014 - 151 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 indicated Housing Assistance and Development Services, Inc. (HANDS) was planning to build 32 new units for elderly housing and requested the waiver of a portion of the total cost for building permit fees to assist with its grant application for Federal Home Funds. Mayor Wilkerson confirmed this donation would be considered a local match by the City. With no additional discussion, a roll call vote was taken.

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

Municipal Order No. 2014 - 151 was approved by majority vote. Commissioner Williams abstained stating his wife is the Executive Director for HANDS.

MUNICIPAL ORDER NO. 2014 - 152

**MUNICIPAL ORDER APPROVING KEREIAKES PARK
IMPROVEMENTS AGREEMENT BETWEEN THE CITY OF
BOWLING GREEN AND BOWLING GREEN EAST LITTLE
LEAGUE**

Summary of Municipal Order No. 2014 - 152 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 indicated the City would be partnering with the East Little League to make improvements at the ball fields in Kereiakes Park. Parks and Recreation Director Brent Belcher described the improvements to be made, which included a new sign, enhancements to the bullpens and the addition of a new light next to the batting cages. Mr. Belcher also responded to questions from Commissioner Denning about the primary use of the ball fields by the Little League Associations at Kereiakes and Pedigo Parks as well as the use of other ball fields located at Lampkin and Hobson Grove Parks. Mr. DeFebbo remarked about the balancing act to provide general recreation and individualized group athletic play at these facilities. Once the discussion ended, a roll call vote was taken.

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

Municipal Order No. 2014 - 152 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2014 - 153

**MUNICIPAL ORDER APPROVING A MEMORANDUM OF
AGREEMENT WITH THE KENTUCKY TRANSPORTATION
CABINET (KYTC) FOR THE HENNESSY WAY PROJECT**

Summary of Municipal Order No. 2014 - 153 was read by the Assistant City Manager/City Clerk. Motion was made by Hill and seconded by Williams for consideration of said Municipal Order. With approximately 70% of the design completed, DeFebbo reviewed the road project, which was on the City's top list of priorities, and the partnership with KYTC. He explained the State would provide up to \$280,000 toward the project costs and recommended approval for the Mayor to execute the agreement and any other documents necessary to keep this project moving forward. Mayor Wilkerson asked for additional discussion, and with none, a roll call vote was taken.

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

Municipal Order No. 2014 - 153 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2014 - 154

MUNICIPAL ORDER AUTHORIZING A CHANGE ORDER TO BID #2014-14 FOR THE CITY HALL ANNEX AND NEIGHBORHOOD AND COMMUNITY SERVICES (NCS) BUILDING RENOVATION PROJECT FROM SCOTT, MURPHY AND DANIEL, LLC OF BOWLING GREEN, KENTUCKY IN THE AMOUNT OF \$75,000

Summary of Municipal Order No. 2014 - 154 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 reported the NCS portion of the project would be finished around August 1st and staff had done a great job with keeping the project on track and managing the budget. Although still currently within the project amount, he noted that with these old buildings some issues, including mold remediation, had come up and reduced the amount of contingency available as they move into the renovation of the City Hall Annex portion of the project. He recommended the additional funds be made available for any unforeseen items that may develop in the second phase of work. Mayor Wilkerson asked for additional discussion, and with none, a roll call vote was taken.

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

Municipal Order No. 2014 - 154 was approved by unanimous vote.

REMOVE FROM TABLE

Motion was made by Hill and seconded by Waltrip to remove Ordinance No. BG2014 - 12 from the table for further consideration. With no discussion, a roll call vote was taken.

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

Motion to remove Ordinance No. BG2014 - 12 from the table for consideration at this time was approved by unanimous vote.

ORDINANCE NO. BG2014 - 12

(First Reading)

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

Following its removal from the table, title and summary of Ordinance No. BG2014 - 12 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 indicated staff was always trying to find ways to improve code enforcement abilities and revisions to the City's property maintenance and nuisance codes had been previously presented. Neighborhood and Community Services Director Brent

Childers provided an overview of the review process and use of a citizen committee to help make recommendations. He recounted the proposed changes were discussed at the May 20th meeting and the Ordinance was tabled for more information to be researched in Chapter 2 about Code Enforcement Board (CEB) member appointments and hearing officer provisions.

Based on the research conducted, City Attorney Gene Harmon prepared amendments to Section 2-23.04(d) to remove existing language that permitted the remaining CEB members to fill vacancies if not done by the Board of Commissioners within 60 days of the vacancy. In addition, new language proposed in Sections 2-23.08(b), 2-23.10(a) and 2-23.10(e) regarding the assignment of a hearing officer by the CEB and the responsibilities of that hearing officer were removed. Motion was made by Wilkerson and seconded by Waltrip to accept the prepared amendments to Ordinance No. BG2014 - 12. Mr. Harmon commented that the appointment language was in the State statute and had been in our current Code of Ordinances, Chapter 2 for a long time. However, he clarified the use of a hearing officer was relatively new statutory language and was first introduced in the original recommendation for Ordinance No. BG2014 - 12. With its removal from this Ordinance, he pointed out that it would not change or add to any existing language in Chapter 2.

Commissioner Hill expressed her appreciation to Mr. Childers and the citizen committee members for their time and work on this item. She encouraged all residents to take pride in the property they call home, and in turn, to take pride in our community. With no other discussion, a roll call vote was taken on the motion to amend.

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

Motion to amend Ordinance No. BG2014 - 12 was approved by unanimous vote. Mayor Wilkerson asked for any additional discussion, and with none, a roll call vote was taken on the Ordinance as amended.

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

First reading of Ordinance No. BG2014 - 12 as amended was approved by unanimous vote.

MUNICIPAL ORDER NO. 2014 - 155

MUNICIPAL ORDER AUTHORIZING AND ACCEPTING THE PURCHASE OF TWELVE (12) ADDITIONAL POLICE VEHICLES UNDER BID #2014-09 FROM SAM SWOPE AUTO GROUP OF LOUISVILLE, KENTUCKY IN THE TOTAL AMOUNT OF \$289,633.80

Summary of Municipal Order No. 2014 - 155 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 recounted the Board had previously authorized the purchase of twelve 2014 Dodge Chargers and staff would now like to purchase twelve more using the same bid. He explained this would save money and allow for quicker delivery. Mayor Wilkerson confirmed the funds were available in the budget. Once the discussion ended, a roll call vote was taken.

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

Municipal Order No. 2014 - 155 was approved by unanimous vote.

CLOSED SESSION

Following a brief recess to clear the Commission Chamber, the Board of Commissioners met at approximately 7:45 p.m. in closed session pursuant to KRS 61.810 (1) (c) as previously approved. Mr. DeFebbo 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 8:20 p.m., Mayor Wilkerson declared this meeting adjourned.

ADOPTED: _____

APPROVED: _____
Mayor, Chairman of Board of Commissioners

ATTEST: _____
Assistant City Clerk

Minutes prepared by Assistant City Manager/City Clerk Katie Schaller