

**MINUTES of REGULAR MEETING
of the BOARD of COMMISSIONERS
of the CITY of BOWLING GREEN, KENTUCKY
held DECEMBER 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 December 3, 2013. Mayor Bruce Wilkerson called the meeting to order and gave an invocation. 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

Mayor Wilkerson recognized Certified Public Accountant Brad Wheeler and presented him with a *Certification of Recognition* for his hard work, dedication and investigation while serving as Treasurer for the Friends of Riverview Board during theft and embezzlement allegations at the Hobson House in 2008. Mr. Wheeler's efforts and services were an integral part of preserving the history, operation and educational programs of the Hobson House. Mayor Wilkerson also recognized Attorney Lanna Kilgore, who was unable to attend the meeting, for her participation and services in the investigation as a Hobson House Board Member.

City Manager Kevin DeFebbo announced that the City received its second consecutive *Distinguished Budget Presentation Award* for the current budget (FY2014) from the Government Finance Officers Association (GFOA). He thanked the Budget Team and especially Senior Staff Accountant Erin Ballou for her efforts to reinvigorate the annual budget document.

In addition, Mayor Wilkerson announced that City Attorney Gene Harmon had received a City Officials Training Award from the Kentucky League of Cities (KLC) in October at the annual KLC Conference.

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 on behalf of the City and proposed litigation against 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.

ITEM WITHDRAWN FROM AGENDA

On behalf of the Board of Commissioners, Mayor Wilkerson withdrew item number 14 (Ordinance No. BG2013 - 45) regarding proposed amendments to Chapter 15 (Business and General Regulations) of the Code of Ordinances related to towing of vehicles since there were still some issues to be worked out.

APPROVAL OF MINUTES

Minutes of Regular Meeting November 19, 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: Waltrip, Williams, Denning, Hill and Wilkerson
 Voting Nay: None

Motion to approve the minutes of the regular meeting of November 19, 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 - 37
(Second Reading)

ORDINANCE RELATING TO CLASSIFICATION/PAY SCHEDULE

ORDINANCE AMENDING THE CLASSIFICATION/PAY
SCHEDULE "G" FOR GENERAL CLASSIFIED EMPLOYEES OF
THE CITY OF BOWLING GREEN FOR FISCAL YEAR 2014

Title and summary of Ordinance No. BG2013 - 37 was read by the Assistant City Manager/City Clerk. Motion was made by Hill and seconded by Williams for second reading of said Ordinance. DeFebbo reiterated that this item reflected a number of sub-elements to further reorganize the Parks and Recreation Department structure at mid-level management. In addition to combining two positions into one (Parks/Golf Maintenance Superintendent), he detailed that another change included the addition of a new position (Golf Maintenance Supervisor) which would allow for the promotion of one individual to be in charge of the maintenance for CrossWinds Golf Course and one individual to be in charge of the maintenance for both 9-hole golf courses. 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

Ordinance No. BG2013 - 37 was adopted by unanimous vote.

ORDINANCE NO. BG2013 - 38
(Second Reading)
ORDINANCE REZONING REAL ESTATE

ORDINANCE REZONING A TRACT OF LAND CONTAINING 3.54 ACRES FROM HB (HIGHWAY BUSINESS) TO LI (LIGHT INDUSTRIAL) LOCATED AT 401 EMMETT AVENUE, PRESENTLY OWNED BY HGW INVESTMENTS, LLC

Title and summary of Ordinance No. BG2013 - 38 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 - 38 was adopted by unanimous vote.

ORDINANCE NO. BG2013 - 39
(Second Reading)
ORDINANCE REZONING REAL ESTATE

ORDINANCE REZONING A TRACT OF LAND CONTAINING 1.69 ACRES FROM AG (AGRICULTURE) TO GB (GENERAL BUSINESS) LOCATED AT 324 LOVERS LANE, PRESENTLY OWNED BY CORBIN IRREVOCABLE TRUST, WITH W.B. SMITH AND PAULA SMITH DERMODY AS TRUSTEES

Title and summary of Ordinance No. BG2013 - 39 was read by the Assistant City Manager/City Clerk. Motion was made by Hill 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 - 39 was adopted by unanimous vote.

ORDINANCE NO. BG2013 - 40
(Second Reading)
ORDINANCE AMENDING CODE OF ORDINANCES

ORDINANCE AMENDING CHAPTER 2 (ADMINISTRATION), SUBCHAPTER 2-18 (BOWLING GREEN AREA CONVENTION AND VISITORS BUREAU) AND CHAPTER 18 (OCCUPATIONAL LICENSE FEES AND TAXES), SUBCHAPTER 18-5 (TRANSIENT ROOM TAX) OF THE CITY OF BOWLING GREEN CODE OF ORDINANCES AS REQUESTED BY THE BOWLING GREEN AREA CONVENTION AND VISITORS BUREAU

Title and summary of Ordinance No. BG2013 - 40 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 - 40 was adopted by unanimous vote.

ORDINANCE NO. BG2013 - 41

(Second Reading)

ORDINANCE PROVIDING FOR ISSUANCE OF WATER AND SEWER REVENUE BONDS

**ORDINANCE OF THE CITY OF BOWLING GREEN, KENTUCKY,
AUTHORIZING AND PROVIDING FOR THE ISSUANCE OF CITY
OF BOWLING GREEN WATER AND SEWER REFUNDING
REVENUE BONDS, SERIES 2013 FOR THE PURPOSE OF
REFUNDING AND REFINANCING THE OUTSTANDING CITY OF
BOWLING GREEN, KENTUCKY WATER AND SEWER REVENUE
BONDS, SERIES 2004 MATURING ON OR AFTER DECEMBER 1,
2016**

Title and summary of Ordinance No. BG2013 - 41 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 - 41 was adopted by unanimous vote.

CHANGE ORDER OF AGENDA

Mr. DeFebbo requested that item number 7 (Municipal Order No. 2013 - 198) be moved up on the agenda to proceed with personnel related actions before consideration of the amendments to the Alcoholic Beverage Control Chapter of the Code of Ordinances. There were no objections voiced by the Board of Commissioners.

MUNICIPAL ORDER NO. 2013 - 198

**MUNICIPAL ORDER APPROVING THE PROMOTIONS OF TONY
L. WHITMER TO THE POSITION OF PARKS/GOLF
MAINTENANCE SUPERINTENDENT, GABRIEL T. NEALON TO
THE POSITION OF GOLF MAINTENANCE SUPERVISOR AND
DAVID W. BOCK, JR. TO THE POSITION OF CREW SUPERVISOR
II IN THE PARKS AND RECREATION DEPARTMENT**

Summary of Municipal Order No. 2013 - 198 was read by the Assistant City Manager/City Clerk. Motion was made by Denning and seconded by Waltrip for consideration of said Municipal Order. Parks and Recreation Director J. Brent Belcher reviewed the qualifications for each recommended promotion. He indicated that the promotion of Mr. Whitmer would bring Parks

Maintenance and Golf Course Maintenance under one reorganized Parks/Golf Maintenance Division which would promote more efficient utilization of all maintenance equipment and manpower across the Parks and Recreation Department. DeFebbo reported that this reorganization was expected to save the City approximately \$85,000 and reduced Golf Division operation costs by approximately \$75,000. With no additional discussion, a roll call vote was taken.

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

Municipal Order No. 2013 - 198 was approved by unanimous vote.

RESUME REGULAR AGENDA

ORDINANCE NO. BG2013 - 42

(Second Reading As Amended)

ORDINANCE AMENDING CODE OF ORDINANCES

ORDINANCE AMENDING CHAPTER 4 (ALCOHOLIC BEVERAGE CONTROL) OF THE CITY OF BOWLING GREEN CODE OF ORDINANCES TO MAKE AMENDMENTS REQUIRED BY REVISIONS TO THE KENTUCKY REVISED STATUTES

Title and summary of Ordinance No. BG2013 - 42 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 opened discussion by asking if anyone in the audience wanted to address the Board. Jennifer Morlan of 2132 Old Rock Creek Road spoke in support of the proposed changes and particularly Sunday sales, citing the potential to increase jobs with additional sales opportunities. Bobby Morrow of 319 Gayle Way and Wade Traughber of 2809 Nashville Road, owner of Lost River Liquors, both spoke in opposition to the proposed changes. Mr. Morrow noted that since six of the eight people who spoke at the last meeting opposed the revisions, he could not understand why a majority of the Board was still in favor of approving the Ordinance. Mr. Traughber remarked that most of his customers were against being open on Sundays and explained it would cost a lot of money to operate on the additional day. He also expressed concern that his business would be forced to be open on Sundays to keep up with competition and that it was likely more good liquor stores would end up going out of business because of the additional costs.

Commissioner Denning remarked that he could not understand why other communities were willing to put up with bootleggers and opposed to legalizing liquor sales. He admitted that it did not matter to him one way or the other if businesses chose to be open or not on Sundays, but he wanted them to have that choice. He said it is always very difficult to please everybody when actions are done for the first time, and recounted that the world did not come to an end when the City first allowed liquor by the drink on Sundays several years ago. Commissioner Denning stated he was ready to proceed to a vote. Commissioner Waltrip indicated that he said all he had to say at the last meeting and that he supported Commissioner Denning's comments. With no other discussion, a roll call vote was taken.

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

Ordinance No. BG2013 - 42 was adopted by majority vote.

MUNICIPAL ORDER NO. 2013 - 199

MUNICIPAL ORDER APPROVING THE APPOINTMENT OF ALEX
DOWNING TO THE ADMINISTRATIVE APPEALS BOARD

Summary of Municipal Order No. 2013 - 199 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 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 - 199 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2013 - 200

MUNICIPAL ORDER APPROVING THE REAPPOINTMENTS OF
RICK WILSON, ERIC WALKER AND MELINDA HILL TO SERVE
ON THE INTER-MODAL TRANSPORTATION AUTHORITY, INC.
BOARD OF DIRECTORS AND AUTHORIZING THE SUBMISSION
OF REAPPOINTMENTS TO THE WARREN COUNTY JUDGE
EXECUTIVE

Summary of Municipal Order No. 2013 - 200 was read by the Assistant City Manager/City Clerk. Motion was made by Williams and seconded by Waltrip 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 - 200 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2013 - 201

MUNICIPAL ORDER APPROVING THE REAPPOINTMENTS OF
DR. JAMES L. SALMON, JR. AND JEFFREY STEIN TO THE
GREENWAYS COMMISSION OF BOWLING GREEN AND
WARREN COUNTY

Summary of Municipal Order No. 2013 - 201 was read by the Assistant City Manager/City Clerk. Motion was made by Hill and seconded by Waltrip 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 - 201 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2013 - 202

MUNICIPAL ORDER APPROVING THE REAPPOINTMENTS OF
CATHYE GUMM, MICHAEL HOLIAN AND LINDA TAYLOR
LEIGH TO THE CITY OF BOWLING GREEN BOARD OF ETHICS

Summary of Municipal Order No. 2013 - 202 was read by the Assistant City Manager/City Clerk. Motion was made by Hill and seconded by Williams 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 - 202 was approved by unanimous vote.

ORDINANCE NO. BG2013 - 44
(First Reading)
ORDINANCE REZONING REAL ESTATE

ORDINANCE REZONING A TRACT OF LAND CONTAINING
0.4554 ACRE FROM RM-2 (TWO-FAMILY RESIDENTIAL) TO RM-
3 (MULTI-FAMILY RESIDENTIAL) LOCATED AT 1700
SMALLHOUSE ROAD, PRESENTLY OWNED BY EASTSIDE
CHURCH OF CHRIST

Title and summary of Ordinance No. BG2013 - 44 was read by the Assistant City Manager/City Clerk. Motion was made by Hill and seconded by Waltrip for first reading of said Ordinance. City-County Planning Commission Director Steve Hunter responded to questions about the other adjacent property owned by the Church. 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 - 44 was approved by unanimous vote.

REMOVE FROM TABLE

Municipal Order No. 2013 - 196 was previously discussed at the November 19, 2013 Board of Commissioners meeting. During the discussion at that meeting, the Board voted to table any further consideration of the item until more information to satisfy staff concerns could be provided by Attorney Kevin Brooks and the Warren County Downtown Economic Development Authority, Inc. Motion was made by Hill and seconded by Williams to remove Municipal Order No. 2013 - 196 from the table to continue consideration of the item at this time. With no discussion on the motion, a roll call vote was taken.

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

Motion to remove Municipal Order No. 2013 - 196 from the table for consideration at this time was approved by unanimous vote.

MUNICIPAL ORDER NO. 2013 - 196

MUNICIPAL ORDER RESCINDING ORDINANCE NO. BG2010-29
AND APPROVING SUB-DEVELOPER AGREEMENT AND
ASSIGNMENT AND ASSUMPTION OF RIGHTS AND
OBLIGATIONS UNDER MASTER DEVELOPER AGREEMENT

WHICH INCLUDES A CITY TIF APPLICATION RELATED TO
BLOCK 12 OF THE WKU GATEWAY TO DOWNTOWN BOWLING
GREEN DEVELOPMENT AREA WITH DELLISART WELLSPRING,
LLC

Summary of Municipal Order No. 2013 - 196 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 confirmed that the instruction to staff at the last meeting was to meet with Attorney Kevin Brooks to clarify items of concern. Chief Financial Officer Jeff Meisel reviewed the updated information provided about the proposed Hyatt Place Hotel development, which was anticipated to create 22 new jobs. He also mentioned that Warren County would issue Industrial Revenue Bonds (IRB) for the development and that a payment-in-lieu-of-taxes (PILOT) was negotiated for years 11-20 of the bond issue since the property would essentially be removed from the tax rolls for the next 20 years. Mr. Meisel indicated that a PILOT Agreement would be brought forward for consideration at the next Board of Commissioners meeting.

In response to a question by the Mayor, Mr. Brooks confirmed that the parking garage adjacent to the hotel development would remain under the ownership of Bowling Green SPE II, Inc. City Attorney Gene Harmon responded to Commissioner Hill's inquiry that both he and Mr. Meisel were satisfied with the additional information provided. Mr. DeFebbo commented about the process to be followed with consideration of any future Sub-developer Agreements. Once discussion ended, a roll call vote was taken.

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

Municipal Order No. 2013 - 196 was approved by unanimous vote.

ORDINANCE NO. BG2013 - 45

(First Reading)

ORDINANCE AMENDING CODE OF ORDINANCES

ORDINANCE AMENDING CHAPTER 15 (BUSINESS AND
GENERAL REGULATIONS) OF THE CITY OF BOWLING GREEN
CODE OF ORDINANCES TO ADD A NEW SUBCHAPTER
RELATED TO TOWING OF VEHICLES FROM PRIVATE PARKING
LOTS AND THE REGULATION OF PRIVATE TOW OPERATORS

Ordinance No. BG2013 - 45 was withdrawn from the agenda at the beginning of the meeting.

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) (b) and (c) as previously approved. Mr. DeFebbo confirmed that no action was anticipated 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: _____
City Clerk

Minutes prepared by Assistant City Manager/City Clerk Katie Schaller