

**MINUTES of REGULAR MEETING
of the BOARD of COMMISSIONERS
of the CITY of BOWLING GREEN, KENTUCKY
held DECEMBER 4, 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 December 4, 2012. Mayor Bruce Wilkerson called the meeting to order. An invocation was given by Hotel Inc Director Rhondell Miller, 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 Brian "Slim" Nash, Commissioner Bill Waltrip and Mayor Bruce Wilkerson. Absent: none. There was a full quorum of the Board of Commissioners.

AWARDS & RECOGNITIONS

Mayor Wilkerson announced the recent retirement of Assistant Police Chief Quentin Hughes who served 21 years with the City and has transitioned to be the new Executive Director for Operation P.R.I.D.E., Inc.

CITY MANAGER

City Manager Kevin D. DeFebbo had not comments at this time.

APPROVAL OF MINUTES

Minutes of Regular Meeting November 20, 2012 and Special Meeting November 28, 2012

Minutes of the above-referenced meetings were distributed to the Board of Commissioners with the Agenda for their review. Motion was made by Nash 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: Denning, Hill, Nash, Waltrip and Wilkerson

 Voting Nay: None

Motion to approve the minutes of the regular meeting of November 20, 2012 and special meeting of November 28, 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 - 39

(Second Reading)

ORDINANCE REZONING REAL ESTATE

**ORDINANCE REZONING A TRACT OF LAND CONTAINING 1.56
ACRES FROM RM-3 (MULTI-FAMILY RESIDENTIAL) TO GB**

(GENERAL BUSINESS) LOCATED AT 603 OLD MORGANTOWN ROAD, PRESENTLY OWNED BY PSM ENTERPRISES, LTD WITH REDO SALKIC AS CONTRACT VENDEE

Title and summary of Ordinance No. BG2012 - 39 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 and Wilkerson
Voting Nay: Nash

Ordinance No. BG2012 - 39 was adopted by majority vote.

ORDINANCE NO. BG2012 - 40

(Second Reading)

ORDINANCE APPROVING APPOINTMENT TO CITY BOARD

ORDINANCE APPROVING THE APPOINTMENT OF DONNA HARMON TO THE BOWLING GREEN MUNICIPAL UTILITIES BOARD

Title and summary of Ordinance No. BG2012 - 40 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: Denning, Hill, Nash, Waltrip and Wilkerson
Voting Nay: None

Ordinance No. BG2012 - 40 was adopted by unanimous vote.

ORDINANCE NO. BG2012 - 41

(Second Reading)

ORDINANCE RELATING TO BUDGET AMENDMENT

ORDINANCE APPROVING AMENDMENT NUMBER ONE TO THE CITY OF BOWLING GREEN, KENTUCKY ANNUAL OPERATING BUDGET FOR FISCAL YEAR 2013

Title and summary of Ordinance No. BG2012 - 41 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, Nash, Waltrip and Wilkerson
Voting Nay: None

Ordinance No. BG2012 - 41 was adopted by unanimous vote.

MUNICIPAL ORDER NO. 2012 - 214

MUNICIPAL ORDER APPROVING THE REAPPOINTMENT OF WALTER HAWKINS AND APPOINTMENT OF MICHELE TOLBERT TO THE CITY OF BOWLING GREEN BOARD OF ETHICS

Summary of Municipal Order No. 2012 - 214 was read by the Assistant City Manager/City Clerk. Motion was made by Nash and seconded by Denning for consideration of said Municipal Order. Mayor Wilkerson remarked that Michele Tolbert was the City's former Human Resources and Risk Management Director. With no other discussion, a roll call vote was taken.

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

Municipal Order No. 2012 - 214 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2012 - 215

**MUNICIPAL ORDER APPROVING THE REAPPOINTMENTS OF
MICHAEL SIMPSON AND THOMAS MANLEY TO THE
ADMINISTRATIVE APPEALS BOARD**

Summary of Municipal Order No. 2012 - 215 was read by the Assistant City Manager/City Clerk. Motion was made by Hill and seconded by Nash for consideration of said Municipal Order. Mayor Wilkerson asked for discussion, and with none, a roll call vote was taken.

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

Municipal Order No. 2012 - 215 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2012 - 216

**MUNICIPAL ORDER APPROVING THE APPOINTMENT OF DR.
RANDY DEERE TO THE CITY OF BOWLING GREEN CODE
ENFORCEMENT BOARD**

Summary of Municipal Order No. 2012 - 216 was read by the Assistant City Manager/City Clerk. Motion was made by Denning and seconded by Nash for consideration of said Municipal Order. Prior to the vote, Mayor Wilkerson thanked all the various board appointees and re-appointees for their services. With no additional discussion, a roll call vote was taken.

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

Municipal Order No. 2012 - 216 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2012 - 217

**MUNICIPAL ORDER REPEALING MUNICIPAL ORDER NO. 2012-
189 WHICH AUTHORIZED AND ACCEPTED BID #2013-11 FOR
HEWLETT PACKARD SERVER EQUIPMENT FROM ALINC
TECHNOLOGIES, LLC OF AUSTIN, TEXAS IN THE AMOUNT OF
\$27,305; AND AUTHORIZING AND ACCEPTING THE BID OF
THE NEXT LOWEST BIDDER, PROSYS OF LEXINGTON,
KENTUCKY IN THE AMOUNT OF \$30,823.37**

Summary of Municipal Order No. 2012 - 217 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 previous award made by the City and the determination that Alinec Technologies was now considered to be non-responsive. Because Alinec Technologies failed to provide equipment that met the specifications set out in the advertised bid, he recommended the bid be awarded to the next lowest bidder which was Prosys. In response to a question by Comm. Nash, Mr. DeFebbo disclosed that he was working with the City Attorney to remove Alinec Technologies from the City's list of bidders. Mayor Wilkerson asked for additional discussion, and with none, a roll call vote was taken.

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

Municipal Order No. 2012 - 217 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2012 - 218

MUNICIPAL ORDER AUTHORIZING CHANGE ORDER NO. 2 TO THE CONTRACT WITH AMEC ENVIRONMENT AND INFRASTRUCTURE, INC. OF NASHVILLE, TENNESSEE FOR FINAL DESIGN SERVICES FOR BUTLER COUNTY LANDFILL IMPROVEMENTS (BID #2012-20) IN THE AMOUNT OF \$22,350

Summary of Municipal Order No. 2012 - 218 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 that the City had been working to determine a solution to deal with a leachate problem at the landfill and evaluate several possible options for the past year or longer. He remarked that at the request of the Kentucky Department for Waste Management, an alternate solution to use an exposed geo-membrane capping system would be evaluated as part of this change order. He also indicated that state monies would be used to help pay for this additional design service. Mayor Wilkerson thanked Environmental Coordinator Matt Powell for his efforts with securing the funds from the state. Once the discussion ended, a roll call vote was taken.

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

Municipal Order No. 2012 - 218 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2012 - 219

MUNICIPAL ORDER ACCEPTING THE CITY OF BOWLING GREEN, KENTUCKY COMPREHENSIVE ANNUAL FINANCIAL REPORT (CAFR) FOR THE PERIOD ENDED JUNE 30, 2012 AS PREPARED BY THE DEPARTMENT OF FINANCE AND AUDITED BY MOUNTJOY CHILTON MEDLEY, LLP

Summary of Municipal Order No. 2012 - 219 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 reiterated that one of the primary responsibilities of the Bowling Green Audit Committee was to review and make a recommendation to the Board of Commissioners regarding the acceptance of the City's annual financial report. Audit Committee Chairman David McKillip began

by proffering congratulations for the Certificate of Excellence received by the Finance Department from the Government Finance Officers Association (GFOA) of the United States and Canada for the Comprehensive Annual Financial Report (CAFR) for the period ended June 30, 2011. He indicated that the Audit Committee met with the external auditors on November 19th for a presentation and discussion of the Fiscal Year 2012 audit. In providing a brief overview of the report, Mr. McKillip highlighted the following key points: 1) total net assets increased by \$15 million; 2) total debt decreased by \$7.1 million; and 3) wages and net profit tax returns increased by \$2.3 million or about 6%. He also confirmed that the City was in a better financial position today than it was about a year ago. As a result of the favorable report, Mr. McKillip stated that the Audit Committee recommended its approval. Comm. Denning, also a member of the Audit Committee, stated he was very pleased with the report.

Mayor Wilkerson thanked the members of the Audit Committee for their continued oversight and for helping to properly account for City funds. Comm. Denning recognized Internal Auditor Deborah Jenkins and expressed appreciation for her services. Mayor Wilkerson pointed out that Bowling Green was the only other city in Kentucky outside of Louisville and Lexington to have such a position. Once the discussion ended, a roll call vote was taken.

ROLL CALL: Voting Yea: Denning, Hill, Nash, Waltrip and Wilkerson

Voting Nay: None

Municipal Order No. 2012 - 219 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2012 - 220

MUNICIPAL ORDER APPROVING AND AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT RELATED TO THE CONNECTION OF THE CITY'S CAD SYSTEM BETWEEN THE CITY OF BOWLING GREEN AND WESTERN KENTUCKY UNIVERSITY (WKU)

Summary of Municipal Order No. 2012 - 220 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 reviewed and recommended the agreement that would allow WKU to share a message switch within the City's CAD system at no additional cost to the City or to WKU. In addition to sharing this message switch with Warren County (to be considered in the next item on the agenda - Municipal Order No. 2012 - 221), he noted the sharing of data would enhance service delivery and connectivity between the agencies.

Comm. Hill congratulated Mr. DeFebbo and staff for reaching out and partnering with other agencies; however, she indicated there should be some type of annual fee charged to WKU. She mentioned that the City was expected to always pay for services, such as the annual composting agreement with WKU, and that this was an opportunity to receive revenue for a service the City provided. She noted that it could still be at a significant savings to WKU since it was estimated to cost approximately \$60,000 if WKU purchased its own switch.

Mr. DeFebbo indicated that he understood Comm. Hill's concerns. He explained that a fee was not discussed since the City would also gain benefit from the sharing of data and because it was

determined that there were no additional costs to the City for providing this access to WKU or to Warren County.

Comm. Nash indicated that he did not have any issues with providing the service at no cost especially in light of there being no additional cost to the City. He also agreed that it would enhance public safety communication. In regard to the composting agreement example, he noted that it would cost the City more to perform composting in-house or to otherwise dispose of the collected leaves than it does to contract with WKU for the service.

Comm. Waltrip commented that he did not disagree with Comm. Hill's point of view. Although, he indicated that since there was no additional cost to the City, he was not sure if he had a problem with not charging.

Following additional discussion about whether or not there might be additional costs if more agencies were brought on and in light of the Police Chief not being able to attend this meeting, Mr. DeFebbo suggested the matter be tabled until the next meeting. Comm. Denning concurred that Comm. Hill's point was well taken and everyone might need to be paying their fair share. Motion was made by Denning, seconded by Hill, to table further discussion of Municipal Order No. 2012 - 220 until the next meeting of the Board. With no discussion, a roll call vote was taken.

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

Motion to table Municipal Order No. 2012 - 220 until the next meeting of the Board of Commissioners was approved by majority vote.

MUNICIPAL ORDER NO. 2012 - 221

MUNICIPAL ORDER APPROVING AND AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT RELATED TO THE CONNECTION OF THE CITY'S CAD SYSTEM AND AN AGREEMENT FOR THE CONTINUATION OF WARREN COUNTY VOLUNTEER FIRE DEPARTMENT DISPATCHING SERVICE BY THE CITY OF BOWLING GREEN, BOTH AGREEMENTS BEING BETWEEN THE CITY OF BOWLING GREEN AND WARREN COUNTY

Summary of Municipal Order No. 2012 - 221 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 remarked that a part of this item was similar to the CAD agreement with WKU and would share access to the message switch with Warren County. However, he explained that the second part related to an agreement with Warren County for the City to continue dispatching services for the Volunteer Fire Department at an annual fee of \$27,000. Because there was a clearly defined cost related to personnel with providing this service, he recounted the Police Chief had suggested some time ago that the City should no longer offer this service at no cost.

Since a portion of this item was similar in nature to the previous item tabled, City Attorney Gene Harmon opined that the Board could amend this item to approve the dispatching services agreement and table the agreement related to the connection of the City's CAD System. However,

Mr. DeFebbo advised there was no particular rush regarding either agreement and both could be tabled until the next meeting. Motion was made by Denning, seconded by Hill, to table further discussion of Municipal Order No. 2012 - 221 until the next meeting of the Board. With no discussion, a roll call vote was taken.

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

Motion to table Municipal Order No. 2012 - 221 until the next meeting of the Board of Commissioners was approved by majority vote.

BOARD OF COMMISSIONERS COMMENTS

Comm. Waltrip reminded everyone of the annual holiday open house to be held at City Hall from 2:00 - 4:00 p.m. on Friday, December 14, 2012. He also invited everyone to attend the swearing-in ceremony of the newly elected Board of Commissioners which would take place at 1:30 p.m. just prior to the open house.

ADJOURNMENT

There being no further business to come before the Board of Commissioners, at approximately 7:40 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