

**MINUTES of REGULAR MEETING  
of the BOARD of COMMISSIONERS  
of the CITY of BOWLING GREEN, KENTUCKY  
held JULY 1, 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 1, 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 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 invited anyone who might be interested in giving the invocation at a future meeting to contact any member of the Board of Commissioners or the City Clerk's Office. He also recognized Nathaniel Burris of Boy Scout Troop 705 and former Corvette Assembly Plant Manager Dave Tatman who was recently appointed as Executive Director of the Kentucky Automotive Industry Association.

Operation P.R.I.D.E. Executive Director Angie Alexieff presented P.R.I.D.E.'s monthly commercial award to Gary Force Honda for improvements made at 2325 Scottsville Road. President and General Manager Tim Kanaly accepted the award and expressed his appreciation for the recognition.

**CITY MANAGER**

City Manager Kevin D. DeFebbo requested a closed session for the purpose of discussion of proposed and pending litigation on behalf of the City. Motion was made by Hill and seconded by Williams 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: Williams, Denning, Hill, Waltrip 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 June 17, 2014

Minutes of the above-referenced meeting were distributed to the Board of Commissioners with the Agenda for their review. Motion was made by Denning 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, Waltrip and Wilkerson  
                          Voting Nay: None  
                          Abstain: Hill

Motion to approve the minutes of the regular meeting of June 17, 2014 was approved by majority vote. Commissioner Hill abstained since she was absent from the previous meeting.

**PUBLIC COMMENTS**

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

**REGULAR AGENDA**

**ORDINANCE NO. BG2014 - 17**

(Second Reading)

**ORDINANCE RELATING TO BUDGET AMENDMENT**

**ORDINANCE APPROVING AMENDMENT NUMBER FOUR TO  
THE CITY OF BOWLING GREEN, KENTUCKY ANNUAL  
OPERATING BUDGET FOR FISCAL YEAR 2014**

Title and summary of Ordinance No. BG2014 - 17 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: Williams, Denning, Hill, Waltrip and Wilkerson

Voting Nay: None

Ordinance No. BG2014 - 17 was adopted by unanimous vote.

**ORDINANCE NO. BG2014 - 18**

(Second Reading)

**ORDINANCE RENAMING STREET**

**ORDINANCE APPROVING THE RENAMING OF TREY COURT TO  
NELL O'BRYAN COURT**

Title and summary of Ordinance No. BG2014 - 18 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. BG2014 - 18 was adopted by unanimous vote.

**ORDINANCE NO. BG2014 - 19**

(Second Reading)

**ORDINANCE REZONING REAL ESTATE**

**ORDINANCE REZONING A TRACT OF LAND CONTAINING 0.92  
ACRE FROM RS-1A (SINGLE FAMILY RESIDENTIAL) TO OP-C  
(OFFICE AND PROFESSIONAL-COMMERCIAL) LOCATED AT  
1623 SCOTTSVILLE ROAD, PRESENTLY OWNED BY TOM AND  
PORTIA PENNINGTON**

Title and summary of Ordinance No. BG2014 - 19 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. BG2014 - 19 was adopted by unanimous vote.

MUNICIPAL ORDER NO. 2014 - 130

MUNICIPAL ORDER APPROVING THE APPOINTMENT OF GREG GAY TO THE BOWLING GREEN-WARREN COUNTY HISTORIC PRESERVATION BOARD

Summary of Municipal Order No. 2014 - 130 was read by the Assistant City Manager/City Clerk. Motion was made by Hill and seconded by Denning for consideration of said Municipal Order. Mayor Wilkerson recommended the appointment. 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. 2014 - 130 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2014 - 131

MUNICIPAL ORDER APPROVING THE PROBATIONARY APPOINTMENT OF JOSHUA D. HANKINS TO THE POSITION OF ENVIRONMENTAL COMPLIANCE COORDINATOR IN THE PUBLIC WORKS DEPARTMENT

Summary of Municipal Order No. 2014 - 131 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 the application and interview process for the repurposed position, which was formerly known as Hydrologist. He also reviewed the qualifications of the individual recommended for appointment. 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. 2014 - 131 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2014 - 132

MUNICIPAL ORDER AUTHORIZING CONTINUATION OF COVERAGE BY SYMETRA LIFE INSURANCE COMPANY RELATING TO MANAGED HEALTH CARE AND SPECIFIC STOP-LOSS / EXCESS INSURANCE FOR FISCAL YEAR 2015

Summary of Municipal Order No. 2014 - 132 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 explained the City purchased excess insurance for being self-insured. Human Resources and Risk Management Director Michael Grubbs recommended approval of the best possible bid, which was obtained with the assistance of Sherrill Morgan & Associate. He explained the rates had gone up significantly due to an exceptionally high claimant this past year. 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. 2014 - 132 was approved by unanimous vote.

**MUNICIPAL ORDER NO. 2014 - 133**

**MUNICIPAL ORDER AUTHORIZING AND ACCEPTING BID #2014-04 FOR COLLEGEVIEW SIDEWALK REHAB PROJECT FROM J. C. BREWER CONSTRUCTION, INC. OF BOWLING GREEN, KENTUCKY IN THE AMOUNT OF \$337,719.78**

Summary of Municipal Order No. 2014 - 133 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 indicated that as a result of a past summer stroll, a sidewalk project was proposed and funded by combining several pots of money, including under-spending from past Community Development Block Grant (CDBG) and Liquid Fuel Tax funds. Public Works Director Jeff Lashlee responded to questions about the total project cost and if it would be better to wait and rebid the project later in hopes of getting a better price. Mr. Lashlee indicated it might be possible; however, he recommended going forward since it was also possible that the price could go up based on market factors. Commissioner Williams asked Mr. Lashlee to investigate a little further into the price increases with this bid and contact other communities to see if they were seeing similar increases. Mr. Lashlee agreed. Commissioner Waltrip expressed his appreciation for the project moving forward and pointed out residents need to be aware that parking conditions will change after the project is complete. Once the discussion ended, a roll call vote was taken.

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

Municipal Order No. 2014 - 133 was approved by unanimous vote.

**MUNICIPAL ORDER NO. 2014 - 134**

**MUNICIPAL ORDER AUTHORIZING AND ACCEPTING THE PURCHASE OF TWO ADDITIONAL LEAF COLLECTOR MACHINES UNDER BID #2014-11 FROM THE AMERICAN ROAD MACHINERY COMPANY OF MINERVA, OHIO IN THE TOTAL AMOUNT OF \$71,728.50**

Summary of Municipal Order No. 2014 - 134 was read by the Assistant City Manager/City Clerk. Motion was made by Waltrip and seconded by Williams for consideration of said Municipal Order. DeFebbo recounted the City had just bid out and approved the purchase of two machines in February/March and the bid pricing was good for one year. He recommended the replacement of two

more older leaf machines under the same bid for leaf pick-up services to start again this fall. Mayor Wilkerson noted the leaf program served several needs for the City. Commissioner Hill recommended an educational video be released which would help inform the public about the leaf pick-up program and process. Public Works Director Jeff Lashlee confirmed that would be done and that this purchase would complete the replacement of equipment needed for the program. 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. 2014 - 134 was approved by unanimous vote.

**MUNICIPAL ORDER NO. 2014 - 135**

**MUNICIPAL ORDER AUTHORIZING AND ACCEPTING NEGOTIATIONS AFTER SEALED BIDDING FOR BID #2014-13 FOR SMALLHOUSE ROAD AND HIGHLAND WAY SIGNAL IMPROVEMENTS FROM ARROW ELECTRIC COMPANY OF LOUISVILLE, KENTUCKY IN THE AMOUNT OF \$61,747.25**

Summary of Municipal Order No. 2014 - 135 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 the project and recommended the bid award based on the results of the negotiation process. 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. 2014 - 135 was approved by unanimous vote.

**MUNICIPAL ORDER NO. 2014 - 136**

**MUNICIPAL ORDER AUTHORIZING AND ACCEPTING BID #2014-37 FOR PANASONIC CF-31 TOUGHBOOKS FOR THE POLICE DEPARTMENT FROM ARC ACQUISITION (US), INC. OF AUSTIN, TEXAS IN THE AMOUNT OF \$389,163.60**

Summary of Municipal Order No. 2014 - 136 was read by the Assistant City Manager/City Clerk. Motion was made by Hill and seconded by Waltrip for consideration of said Municipal Order. Since Police vehicles were often used as offices in the field, DeFebbo recommended the purchase to replace all 110 mobile data computers (MDCs). 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. 2014 - 136 was approved by unanimous vote.

**MUNICIPAL ORDER NO. 2014 - 137**

**MUNICIPAL ORDER ACCEPTING DONATION FROM SOUTHERN KENTUCKY (SKY) SOCCER CLUB IN THE AMOUNT OF \$6,000**

TO ASSIST WITH RE-SPRIGGING BURMUDA GRASS AT LOVERS  
LANE SOCCER COMPLEX

Summary of Municipal Order No. 2014 - 137 was read by the Assistant City Manager/City Clerk. Motion was made by Waltrip and seconded by Williams for consideration of said Municipal Order. DeFebbo recounted the action previously taken by the Board to address “winter kill” by re-sprigging Bermuda grass at both the CrossWinds Golf Course and Lovers Lane Soccer Complex (LLSC). He recommended the donation be accepted to assist with the cost of the project at the LLSC. Commissioner Williams expressed appreciation for the donation. 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. 2014 - 137 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2014 – 138

MUNICIPAL ORDER APPROVING AMENDMENTS TO THE CITY  
OF BOWLING GREEN FINANCIAL POLICIES AND PROCEDURES

Summary of Municipal Order No. 2014 - 138 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 reported the City had recently received an improved bond rating and has received several awards in large part based on the City’s Financial Policies. He recommended approval of the administrative changes. 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. 2014 - 138 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2014 – 139

MUNICIPAL ORDER APPROVING A JOB DEVELOPMENT  
INCENTIVE PROGRAM EMPLOYEE WITHHOLDINGS CREDIT  
AGREEMENT WITH STOODY COMPANY

Summary of Municipal Order No. 2014 - 139 was read by the Assistant City Manager/City Clerk. Motion was made by Hill and seconded by Waltrip for consideration of said Municipal Order. Referring to Municipal Order Nos. 2014 - 139 through 2014 - 142, DeFebbo reported the City would provide incentives with the creation of 128 new jobs among the four different companies. He noted that the City had already incentivized over 1,600 new jobs during the past three years. Chief Financial Officer Jeff Meisel and City Attorney Gene Harmon responded to questions from Commissioner Denning about the incentive program and who was responsible for monitoring program compliance. Once the discussion ended, a roll call vote was taken.

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

Municipal Order No. 2014 - 139 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2014 - 140

MUNICIPAL ORDER APPROVING A JOB DEVELOPMENT  
INCENTIVE PROGRAM EMPLOYEE WITHHOLDINGS CREDIT  
AGREEMENT WITH HOLLEY PERFORMANCE PRODUCTS

Summary of Municipal Order No. 2014 - 140 was read by the Assistant City Manager/City Clerk. Motion was made by Denning and seconded by Williams for consideration of said Municipal Order. Since this item was discussed with Municipal Order No. 2014 - 139, Mayor Wilkerson asked for additional discussion. With none, a roll call vote was taken.

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

Municipal Order No. 2014 - 140 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2014 - 141

MUNICIPAL ORDER APPROVING A JOB DEVELOPMENT  
INCENTIVE PROGRAM EMPLOYEE WITHHOLDINGS CREDIT  
AGREEMENT WITH QUIVER VENTURES, LLC

Summary of Municipal Order No. 2014 - 141 was read by the Assistant City Manager/City Clerk. Motion was made by Hill and seconded by Williams for consideration of said Municipal Order. Since this item was discussed with Municipal Order No. 2014 - 139, Mayor Wilkerson asked for additional discussion. With none, a roll call vote was taken.

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

Municipal Order No. 2014 - 141 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2014 - 142

MUNICIPAL ORDER APPROVING A JOB DEVELOPMENT  
INCENTIVE PROGRAM EMPLOYEE WITHHOLDINGS CREDIT  
AGREEMENT WITH MACDONALD & OWEN VENEER &  
LUMBER COMPANY, INC.

Summary of Municipal Order No. 2014 - 142 was read by the Assistant City Manager/City Clerk. Motion was made by Hill and seconded by Williams for consideration of said Municipal Order. Chief Financial Officer Jeff Meisel responded to additional questions from Commissioner Denning related to the incentive program. Mayor Wilkerson noted that a company would generally make application through the State, but the State would not participate unless local incentives were also granted. With no further discussion, a roll call vote was taken.

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

Municipal Order No. 2014 - 142 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2014 - 143

MUNICIPAL ORDER APPROVING AMENDMENT TO SCOPE OF SERVICES FOR GRANT AGREEMENT BETWEEN WESTERN KENTUCKY UNIVERSITY AND THE KENTUCKY TRANSPORTATION CABINET RELATED TO THE CONSTRUCTION OF BIKEWAY TRAILS

Summary of Municipal Order No. 2014 - 143 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 reviewed the bike trail project and partnership with WKU to use grant funds. Due to a proposed change in the route, he explained the City was being asked to submit a letter supporting those changes and to provide for more of the funds to be used toward the City's portion of the project. Mayor Wilkerson confirmed the Board discussed the rerouting, which would take advantage of a portion of Heritage Trail, at a work session last summer. 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. 2014 - 143 was approved by unanimous vote.

ORDINANCE NO. BG2014 - 20

(First 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 Manager/City Clerk. Motion was made by Waltrip and seconded by Hill for first reading of said Ordinance. Mayor Wilkerson stated that after reading through the transcript and evidence from the City-County Planning Commission's public hearing on June 5<sup>th</sup>, considering the close (6/4) vote and looking at the future and existing land use maps, he did not think this rezoning was in compliance with the Comprehensive Plan. Commissioner Williams said he would really like to know the proposed use of the property before determining if it was in compliance. He also did not see where the property should be rezoned.

Based on the discussion and at the request of the Mayor, City Attorney Gene Harmon reviewed the options for the Board to consider on how to proceed. He explained that if the Board was not in support of the recommendation to rezone, it must determine its own independent findings of fact. Mr. Harmon further explained that the Board could base its findings on the existing record of the Planning Commission's public hearing or conduct its own public hearing. He emphasized the Board could not simply vote against this recommendation. Mayor Wilkerson stated he thought the evidence presented was sufficient; however, he noted that the applicant was out of town and unable to attend this meeting. He proposed to present a substitute ordinance to deny the rezoning if the Board voted this recommendation down. With no other discussion, a roll call vote was taken.

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

First reading of Ordinance No. BG2014 - 20 failed by unanimous vote. Following the vote, Commissioner Denning said he thought this was the first time he voted against a Planning Commission recommendation. He stressed this decision was no reflection on the Planning Commission or its staff. He expressed concern about not knowing how the property would be used.

In light of the outcome from the vote, a motion was made by Wilkerson and seconded by Denning to add Ordinance No. BG2014 – 20A to the agenda for consideration. With no discussion, a roll call vote was taken.

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

Motion to add Ordinance No. BG2014 – 20A to the agenda was approved by unanimous vote.

**ORDINANCE NO. BG2014 – 20A**

**(First Reading)**

**ORDINANCE DENYING REZONING OF 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**

Title and summary of Ordinance No. BG2014 – 20A was read by the Assistant City Manager/City Clerk. Motion was made by Hill and seconded by Williams for first reading of said Ordinance. Mayor Wilkerson read the findings of facts and conclusions contained in the ordinance as follows:

1. This property had a zoning classification of R-3 until 2001 when it was rezoned to RM-3.
2. The surrounding area consists of primarily single-family residential uses with some commercial, multi-family residential and public and public-institutional uses in the area.
3. The Future Land Use Map designates this property as Moderate Density Residential.
4. While the applicant agreed to a number of binding elements, these binding elements are not sufficient to bring the proposed use into compatibility with the surrounding area.
5. Because the proposed rezoning is not in compliance with the Future Land Use Map and is not compatible with the surrounding area, it is not in compliance with the Comprehensive Plan.

Mayor Wilkerson stated that if this ordinance passed, second reading of it and Ordinance BG2014 – 20 would not occur until after the applicant could be notified and given an opportunity to respond. Commissioner Waltrip expressed concern about this zone change encroaching on the single family residential neighborhood. Once the discussion ended, a roll call vote was taken.

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

First reading of Ordinance No. BG2014 – 20A was approved by unanimous vote.

ORDINANCE NO. BG2014 - 21

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

First reading of Ordinance No. BG2014 - 21 was approved by unanimous vote.

RESOLUTION NO. BG - WCCA - 56

A RESOLUTION OF THE CITY OF BOWLING GREEN, KENTUCKY SECTION OF THE BOWLING GREEN-WARREN COUNTY CABLE FRANCHISE AUTHORITY APPROVING THE TRANSFER OF CONTROL OF THE FRANCHISE AGREEMENT FROM TIME WARNER CABLE, INC. TO COMCAST CORPORATION

Summary of Resolution No. BG - WCCA - 56 was read by the Assistant City Manager/City Clerk. Motion was made by Denning and seconded by Hill for consideration of said Resolution. City Attorney Gene Harmon reviewed the letter received a few weeks ago regarding the notice that Time Warner Cable would be taken over by Comcast Corporation. After reviewing all of the requirements, he opined there was no reason to deny the request to transfer the franchise agreement. Mr. Harmon also reported a second letter was recently received which gave notice of the transfer of cable services from Comcast to Charter which would need to be considered separately within 120 days from receipt.

In response to questions, Mr. Harmon confirmed the existing franchise agreement extension expired at the end of this year and could be extended again for an additional two years. Commissioner Williams pointed out this was a non-exclusive franchise and there was nothing to exclude another company from operating in the city. Commissioner Waltrip said he hoped the new cable provider would be able to address all the issues that he and several of the Board members have heard about from residents. Following the discussion, a roll call vote was taken.

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

Resolution No. BG - WCCA - 56 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2014 - 144

MUNICIPAL ORDER APPROVING MEMORANDUM OF AGREEMENT BETWEEN THE CITY OF BOWLING GREEN AND THE DEPARTMENT OF THE ARMY RELATED TO THE INITIAL WATER SUPPLY REALLOCATION STORAGE STUDY AT BARREN RIVER LAKE

Summary of Municipal Order No. 2014 - 144 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 the study to be conducted and recommended approval of the agreement on BGMU's behalf. Once the discussion ended, a roll call vote was taken.

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

Municipal Order No. 2014 - 144 was approved by unanimous vote.

CLOSED SESSION

Following a brief recess to clear the Commission Chamber, the Board of Commissioners met at approximately 8:05 p.m. in closed session pursuant to KRS 61.810 (1) (c) as previously approved. City Attorney Gene Harmon indicated that action may follow the discussion.

RECONVENE IN OPEN SESSION

Once all discussion concluded in closed session, the Board of Commissioners reconvened in open session at approximately 9:10 p.m. to consider action. Motion was made by Williams and seconded by Hill to add Municipal Order No. 2014 - 145 to the agenda for consideration. With no discussion, a roll call vote was taken.

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

Motion to add Municipal Order No. 2014 - 145 to the agenda was approved by unanimous vote.

MUNICIPAL ORDER NO. 2014 - 145

MUNICIPAL ORDER APPROVING SETTLEMENT AGREEMENT INVOLVING CIVIL ACTION AGAINST DOWNTOWN REDEVELOPMENT AUTHORITY, INC. (DRA)

Summary of Municipal Order No. 2014 - 145 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 reported the City has been engaged in a legal dispute with DRA and with the assistance of Circuit Court Judge Steve Wilson, a resolution was negotiated in mediation. City Attorney Gene Harmon outlined the components of the settlement agreement, including a \$150,000 payment by the City to purchase property from DRA. Mayor Wilkerson thanked Judge Wilson for his assistance. With no other discussion, a roll call vote was taken.

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ROLL CALL:           Voting Yea: Williams, Denning, Hill, Waltrip and Wilkerson  
                          Voting Nay: None  
Municipal Order No. 2014 - 145 was approved by unanimous vote.

ADJOURNMENT

There being no further business to come before the Board of Commissioners, at approximately 9:15 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*