

**MINUTES of REGULAR MEETING
of the BOARD of COMMISSIONERS
of the CITY of BOWLING GREEN, KENTUCKY
held AUGUST 21, 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 August 21, 2012. Mayor Bruce Wilkerson called the meeting to order. An invocation was given by Commissioner Bill Waltrip, 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

Operation P.R.I.D.E. Executive Director Ray Lackey presented P.R.I.D.E.'s September 2012 monthly commercial award to Ashley Furniture Home Store located at 1850 Scottsville Road. Ashley Furniture Home Store Assistant Manager Paul Penton accepted the award on behalf of owner Spencer Enterprises. General Contractor George Schiff with GMS of KY, LLC commented about the renovations to the facility and contributions to the community. Mr. Lackey also mentioned that information about the Cherry Award presentation to be held at Olde Stone would be forth coming.

Mayor Wilkerson recognized Parks and Recreation Director Ernie Gouvas who would be retiring at the end of the month after 33 years of service to the City. Mr. Gouvas expressed his gratitude for the honor to serve city government and the citizens of Bowling Green. City Manager Kevin D. DeFebbo announced that Golf Division Manager/Golf Pro Bob Jeffers would also be retiring at the end of the month. Mayor Wilkerson thanked Mr. Jeffers for his 23 years of service.

CITY MANAGER COMMENTS

Mr. DeFebbo had no comments at this time.

APPROVAL OF MINUTES

Minutes of Regular Meeting August 7, 2012

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 Nash 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 August 7, 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 - 27

(Second Reading As Amended)

ORDINANCE AMENDING ZONING ORDINANCE

ORDINANCE AMENDING ARTICLES 1, ~~2~~, 3, 4, ~~5~~, 6 AND 8 AND APPENDIXES OF THE ZONING ORDINANCE FOR THE CITY OF BOWLING GREEN, KENTUCKY AS RECOMMENDED BY THE CITY-COUNTY PLANNING COMMISSION, WITH ADDITIONAL REVISIONS BY WARREN COUNTY FISCAL COURT

Title and summary of Ordinance No. BG2012 - 27 was read by the Assistant City Manager/City Clerk. Motion was made by Nash and seconded by Hill for second reading of said Ordinance as amended. Mayor Wilkerson specified that he and City staff met with members of the Historic Preservation Board (HPB) and Planning Commission staff to work through the proposed revisions in Articles 2 and 3 related to historic preservation. However, he noted that other revisions in Articles 3 and 4 which he had also proposed were not considered in the previously approved amendment to the Ordinance. City Attorney Gene Harmon identified each of the proposed changes in Sections 3.13.3A, 4.9.4D, 4.9.4E and 4.9.4I(4). Mayor Wilkerson made a motion, seconded by Nash, to further amend Ordinance No. BG2012 - 27 to revise the identified sections in Articles 3 and 4. With no discussion, a roll call vote was taken.

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

Motion to further amend Ordinance No. BG2012 - 27 to revise Sections 3.13.3A, 4.9.4D, 4.9.4E and 4.9.4I(4) was approved by unanimous vote.

ORDINANCE NO. BG2012 - 27

(First Reading As Amended)

ORDINANCE AMENDING ZONING ORDINANCE

ORDINANCE AMENDING ARTICLES 1, ~~2~~, 3, 4, ~~5~~, 6 AND 8 AND APPENDIXES OF THE ZONING ORDINANCE FOR THE CITY OF BOWLING GREEN, KENTUCKY AS RECOMMENDED BY THE CITY-COUNTY PLANNING COMMISSION, WITH ADDITIONAL REVISIONS BY WARREN COUNTY FISCAL COURT AND BOWLING GREEN BOARD OF COMMISSIONERS

Since the amendments to the Ordinance were considered substantive, a new first reading of the Ordinance was required. There being no other discussion, a roll call vote was taken.

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

First Reading of Ordinance No. BG2012 - 27 as further amended was approved by unanimous vote.

REMOVE FROM TABLE

Motion was made by Denning and seconded by Waltrip to remove Ordinance No. BG2012 - 31 from the table for its first reading. With no discussion, a roll call vote was taken.

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

Motion to remove Ordinance No. BG2012 - 31 from the table for consideration at this time was approved by unanimous vote.

ORDINANCE NO. BG2012 - 31

(First Reading)

ORDINANCE AMENDING ZONING ORDINANCE

ORDINANCE AMENDING ARTICLES 2 AND 5 OF THE ZONING ORDINANCE FOR THE CITY OF BOWLING GREEN, KENTUCKY AS RECOMMENDED BY THE CITY-COUNTY PLANNING COMMISSION AND AS PREVIOUSLY REMOVED FROM ORDINANCE NO. BG2012-27

Title and summary of Ordinance No. BG2012 - 31 was read by the Assistant City Manager/City Clerk. Motion was made by Denning and seconded by Waltrip for first reading of said Ordinance. City Attorney Gene Harmon explained that this Ordinance was established to bring Articles 2 and 5 back before the Board of Commissioners as recommended by the Planning Commission.

Mayor Wilkerson outlined the areas of concern regarding proposed revisions in Article 2 relating to historic preservation which had been tabled at the last meeting, including the composition of Historic Preservation Board (HPB) membership (Sec. 2.5.1) and the separation of duties from HPB to be handled at the staff level (Sec. 2.5.2). In addition, he noted that other concerns of the HPB dealing with the appeals process had to stay as recommended since it was pursuant to state statute. In response to a request by Comm. Denning, HPB Chairman Donna Wolbe came forward and acknowledged that all were now in agreement to the proposed revisions.

City Attorney Gene Harmon outlined additional revisions proposed by City staff in Sec. 5.3.3 dealing with the issuance of temporary event permits. He indicated that City staff met with Planning Commission staff and all agreed on some additional language to be added to the section that better clarified its intent.

Mayor Wilkerson made a motion, seconded by Nash, to amend Ordinance No. BG2012 - 31 as discussed. With no other discussion, a roll call vote was taken.

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

Motion to amend Ordinance No. BG2012 - 31 to revise Sections 2.5.1, 2.5.2 and 5.3.3 was approved by unanimous vote.

ORDINANCE NO. BG2012 - 31

(First Reading As Amended)

ORDINANCE AMENDING ZONING ORDINANCE

ORDINANCE AMENDING ARTICLES 2 AND 5 OF THE ZONING ORDINANCE FOR THE CITY OF BOWLING GREEN, KENTUCKY AS RECOMMENDED BY THE CITY-COUNTY PLANNING COMMISSION AND AS PREVIOUSLY REMOVED FROM ORDINANCE NO. BG2012-27, WITH ADDITIONAL REVISIONS BY THE BOWLING GREEN BOARD OF COMMISSIONERS

There being no further discussion, a roll call vote was taken on the Ordinance as amended.

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

First reading of Ordinance No. BG2012 - 31 as amended was approved by unanimous vote.

MUNICIPAL ORDER NO. 2012 - 158

MUNICIPAL ORDER APPROVING THE REAPPOINTMENTS OF SHANNON M. SALES, BRENDA CARVER, JAMES A. ADAMS, ROBERT L. DEANE AND DAVID E. BELL AND THE APPOINTMENT OF GREG ALMOND TO THE HUMAN RIGHTS COMMISSION

Summary of Municipal Order No. 2012 - 158 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 - 158 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2012 - 159

MUNICIPAL ORDER APPROVING THE REAPPOINTMENT OF LEWIS H. BURKE, JR. TO THE BOARD OF PARK COMMISSIONERS

Summary of Municipal Order No. 2012 - 159 was read by the Assistant City Manager/City Clerk. Motion was made by Nash 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: Denning, Hill, Nash, Waltrip and Wilkerson
 Voting Nay: None

Municipal Order No. 2012 - 159 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2012 - 160

MUNICIPAL ORDER APPROVING THE PROBATIONARY APPOINTMENT OF JOSHUA A. JOHNSON TO THE POSITION OF

PARKS FACILITY MAINTAINER IN THE PARKS AND RECREATION DEPARTMENT

Summary of Municipal Order No. 2012 - 160 was read by the Assistant City Manager/City Clerk. Motion was made by Nash and seconded by Denning for consideration of said Municipal Order. DeFebbo reviewed and recommended the appointment. 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 - 160 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2012 - 161

MUNICIPAL ORDER APPROVING THE PROBATIONARY APPOINTMENT OF CARY G. WATT TO THE POSITION OF LABORER II IN THE PUBLIC WORKS DEPARTMENT

Summary of Municipal Order No. 2012 - 161 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 qualifications of the recommended candidate for appointment. 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 - 161 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2012 - 162

MUNICIPAL ORDER AUTHORIZING AND ACCEPTING BID #2013-03 FOR CISCO SMARTNET AGREEMENT RENEWAL FROM BOICE.NET OF LEXINGTON, KENTUCKY IN THE AMOUNT OF \$45,757.82

Summary of Municipal Order No. 2012 - 162 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 noted that the City operated in a multi-network environment which required annual maintenance services and he recommended approval of the bid award. 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 - 162 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2012 - 163

MUNICIPAL ORDER APPROVING A CONTRACT THROUGH NONCOMPETITIVE NEGOTIATIONS WITH AT&T MOBILITY UNDER KENTUCKY STATE PRICING CONTRACT FOR THE

PURCHASE OF CELLULAR SERVICE AND EQUIPMENT IN AN AMOUNT NOT TO EXCEED \$100,710

Summary of Municipal Order No. 2012 - 163 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 indicated a committee had been working for the past year on trying to find the best product with the greatest coverage and transitioning to a smart phone platform. He recommended the purchase of equipment and services through the state pricing contract which provided the most flexibility to the City. 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 - 163 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2012 - 164

MUNICIPAL ORDER AUTHORIZING THE SUBMISSION AND ACCEPTANCE OF A GRANT APPLICATION WITH THE FEDERAL TRANSIT ADMINISTRATION FOR FISCAL YEAR 2013 FEDERAL TRANSPORTATION ASSISTANCE UNDER THE SECTION 5307 PROGRAM

Summary of Municipal Order No. 2012 - 164 was read by the Assistant City Manager/City Clerk. Motion was made by Nash and seconded by Denning for consideration of said Municipal Order. Neighborhood and Community Services Director Brent Childers reviewed the annual application process to receive the City's direct appropriation for transit services which is operated by contract with Community Action of Southern Kentucky (CASKY). 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 - 164 was approved by unanimous vote.

Following the vote, Comm. Waltrip recognized CASKY Executive Director Cheryl Allen and Public Transit Coordinator Ken Meredith who were in attendance. In response to a question by Comm. Denning, Ms. Allen indicated that CASKY was consulted, although not involved in the operation of Western Kentucky University's (WKU) new shuttle service to bring students to the downtown in the evenings. She commented that the general public would have the ability to ride WKU buses after hours when GoBG Transit route services ended for the day. Ms. Allen also mentioned that GoBG Transit was close to finalizing its revised routes to include coordinating with WKU buses.

MUNICIPAL ORDER NO. 2012 - 165

MUNICIPAL ORDER AUTHORIZING THE SUBMISSION AND ACCEPTANCE OF A REQUEST WITH THE KENTUCKY TRANSPORTATION CABINET FOR FISCAL YEAR 2013 TOLL CREDITS AND CAPITAL MATCH FOR TRANSPORTATION

**ASSISTANCE FOR THE SECTION 5307 PROGRAM IN THE TOTAL
AMOUNT OF \$30,222**

Summary of Municipal Order No. 2012 - 165 was read by the Assistant City Manager/City Clerk. Motion was made by Hill and seconded by Nash for consideration of said Municipal Order. During the discussion of Municipal Order No. 2012 - 164, Mr. Childers explained that this request provided the matching funds and toll credits needed to meet the 20% match for capital expenses. 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 - 165 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2012 - 166

**MUNICIPAL ORDER APPROVING AMENDMENT NUMBER FIVE
TO LEE SQUARE HOUSING PROJECT AGREEMENT AMONG
THE CITY OF BOWLING GREEN, HOUSING ASSISTANCE AND
DEVELOPMENT SERVICES (HANDS), INC., LIVE THE DREAM,
INC. AND THE HOUSING AUTHORITY OF BOWLING GREEN
RELATING TO REDESIGNATION OF BUILDING LOTS**

Summary of Municipal Order No. 2012 - 166 was read by the Assistant City Manager/City Clerk. Motion was made by Nash and seconded by Hill for consideration of said Municipal Order. DeFebbo commented that one of the creative things the City did with urban renewal was Lee Square. He noted that a request for reallocation of Lots 9 & 10 to the Housing Authority from HANDS led to a fifth amendment to the agreement. In addition, Neighborhood and Community Services Director Brent Childers recounted that the last amendment to the agreement included the release of any interest in 321 Chestnut Street by HANDS. However, since that time, HANDS received funds to build a home for a disabled veteran and requested the use of this lot again due to its proximity to medical facilities. 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 - 166 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2012 - 167

**MUNICIPAL ORDER AUTHORIZING A TWO PERCENT (2%)
COST OF LIVING INCREASE (COLA) FOR RETIREES AND
OTHER BENEFICIARIES OF THE BOWLING GREEN POLICE
AND FIREFIGHTERS RETIREMENT FUND**

Summary of Municipal Order No. 2012 - 167 was read by the Assistant City Manager/City Clerk. Motion was made by Nash and seconded by Denning for consideration of said Municipal Order. Comm. Waltrip explained that after the last meeting of the Board of Commissioners, he proposed a two percent (2%) cost of living adjustment (COLA) for the closed pension fund, which would be retroactive back to August 1, 2012. He noted that he would like to have this discussion

earlier in the budget process next year. Comm. Waltrip also clarified that neither he nor Mayor Wilkerson were members of the closed retirement system.

Comm. Hill inquired if other City retirees in other retirement systems would be receiving a COLA. City Attorney Gene Harmon confirmed that the State had already made the decision to not provide a COLA to retirees for this year or next year. Comm. Hill explained that she was trying not to make this an emotional issue and was basing her decision to oppose the COLA on the actuary numbers. She expressed concern that the compounding of this increase would put the City in jeopardy down the road. Mayor Wilkerson echoed the same concern with the Fund already approaching a 19% unfunded liability and the compounding effects of a COLA projected to be in the millions of dollars. He indicated that his vote was predicated on helping to sustain the Fund for the retirees to the very end and had nothing to do with the individuals, to whom he gave high regard, or the service they provided.

Comm. Denning asserted that the City took on the responsibility from day one to take care of the retirees and their widows, and for as long as he held his seat on the Board, he would vote on the side of the retirees. He also suggested that staff needed to make room for an annual COLA in the budget.

Comm. Waltrip stated he respected Mayor Wilkerson's and Comm. Hill's comments, but simply did not agree. He remarked that the \$400,000 the City contributed this year would be enough to cover this year's increase. In relation to comments by Comm. Denning, Comm. Waltrip also agreed that past Commission's took this responsibility on and it was our responsibility to keep it going.

Comm. Nash acknowledged that he could not argue with the actuarial tables; however, he would support the increase in an effort to take care of the retirees today versus waiting until the day when the Fund could support itself. Once all discussion ended, a roll call vote was taken.

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

Municipal Order No. 2012 - 167 was approved by majority vote.

ORDINANCE NO. BG2012 - 32

(First Reading)

ORDINANCE AMENDING CODE OF ORDINANCES

**ORDINANCE AMENDING CHAPTER 18 (OCCUPATIONAL
LICENSE FEES AND TAXES) OF THE CITY OF BOWLING
GREEN CODE OF ORDINANCES TO REVISE LANGUAGE
RELATED TO THE TAXATION OF INCOME CLASSIFIED AS
CAPITAL GAINS AND LOSSES**

Mayor Wilkerson stated that during the work session discussion, Board members requested that this item be removed from the agenda tonight for consideration at the next Board of Commissioners meeting.

ADJOURNMENT

There being no further business to come before the Board of Commissioners, at approximately 7:50 p.m., Mayor Wilkerson declared this meeting adjourned.

WORK SESSION

Prior to the regular meeting and with no action taken, the Board of Commissioners convened at 4:00 p.m. in the Commission Chamber of City Hall for a regular work session to discuss the following subjects: 1) a quarterly report regarding the African American Museum; 2) a report about The Golf Course at Riverview's discounted fee structure, increased revenues and increased rounds of play; and 3) continued discussion of the City Net Profit License Fee on capital gains and losses, including a draft of proposed Ordinance No. BG2012 - 32.

ADOPTED: _____

APPROVED: _____
Mayor, Chairman of Board of Commissioners

ATTEST: _____
Assistant City Clerk

Minutes prepared by Assistant City Manager/City Clerk Katie Schaller