

**MINUTES of REGULAR MEETING
of the BOARD of COMMISSIONERS
of the CITY of BOWLING GREEN, KENTUCKY
held FEBRUARY 7, 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 February 7, 2012. Mayor Bruce Wilkerson called the meeting to order. An invocation was given by Pastor Ed Gent, Minister of Education at Eastwood Baptist Church, 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 Bill Waltrip, Commissioner Brian "Slim" Nash and Mayor Bruce Wilkerson. Absent: Commissioner Joe W. Denning and Commissioner Melinda M. Hill. There was a quorum of the Board of Commissioners. Mayor Wilkerson expressed regrets for Commissioner Denning who was still not feeling well and for Commissioner Hill who had a family emergency out of town.

AWARDS & RECOGNITIONS

Mayor Wilkerson announced the retirement of Fire Equipment Mechanic Randall Hendrick and thanked him for 28 years of service to the City. He also announced that the Bowling Green/Warren County Drug Task Force received the Drug Task Force of the Year Award from the Appalachia High Intensity Drug Trafficking Alliance (HIDTA). In addition, Mayor Wilkerson recognized a few of the recipients who received service awards from the Police Department, including the Character Counts Award given to Officer Cameron Taylor; Civilian of the Year Award given to Jennifer Edwards; Officer of the Year given to Officer Wade Hughes; two Meritorious Medals given to Detective Barry Raley for solving three cold cases; and the Life Saving Medal given to Officer Michael Nade.

CITY MANAGER

City Manager Kevin D. DeFebbo requested a closed session for the purpose of discussion about the sale of real property as publicity would likely affect the value of the specific piece of property to be sold by the City; for proposed litigation on behalf of the City and pending litigation against the City; and for discussions between the City and a representative of business entities and discussions concerning specific proposals, if open discussions would jeopardize the siting, retention, expansion or upgrading of the businesses. Motion was made by Nash and seconded by Waltrip to convene in closed session following the regular meeting pursuant to KRS 61.810 (1) (b), (c) and (g). Mayor Wilkerson called for roll call vote.

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

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

APPROVAL OF MINUTES

Minutes of Regular Meeting January 17, 2012

Minutes of the above-referenced meeting 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: Waltrip, Nash and Wilkerson
 Voting Nay: None

Motion to approve the minutes of the regular meeting of January 17, 2012 was approved by unanimous vote.

PUBLIC COMMENTS

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

LATE FILE ADDED TO AGENDA

Mayor Wilkerson requested the addition of a late-filed item (Municipal Order No. 2012-25), sponsored by Commissioner Nash, to consider the reappointment of a Police Officer. Motion was made by Nash and seconded by Waltrip to add Municipal Order No. 2012-25 to the agenda for consideration. Mayor Wilkerson called for roll call vote.

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

Motion to add Municipal Order No. 2012-25 to the agenda was approved by unanimous vote.

MUNICIPAL ORDER NO. 2012 - 25

MUNICIPAL ORDER APPROVING THE REAPPOINTMENT OF
DANIEL R. GROVES TO THE POSITION OF POLICE OFFICER IN
THE POLICE DEPARTMENT

Summary of Municipal Order No. 2012 - 25 was read by City Attorney Gene Harmon. Motion was made by Nash and seconded by Waltrip for consideration of said Municipal Order. DeFebbo explained that Mr. Groves had recently left the Police Department to take another job, but had requested to come back. Mr. Groves expressed his appreciation for the opportunity to return to the Police Department. Mayor Wilkerson welcomed him back and asked for additional discussion, and with none, a roll call vote was taken.

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

Municipal Order No. 2012 - 25 was approved by unanimous vote.

Following the vote, Commissioner Nash clarified that he did not typically support late-files. However, in this case, he supported the rehiring to take place now instead of waiting two more weeks for the next meeting. He believed it was better to get the Officer back on the streets without further delay.

RESUME REGULAR AGENDA

ORDINANCE NO. BG2012 - 2

(Second Reading)

ORDINANCE AMENDING CODE OF ORDINANCES

ORDINANCE AMENDING CHAPTER 9 (GENERAL OFFENSES)
OF THE CODE OF ORDINANCES TO MAKE CHANGES
RECOMMENDED BY THE BOWLING GREEN POLICE
DEPARTMENT RELATED TO THE DISCHARGE OF FIREARMS
AND SIMILAR EQUIPMENT

Title and summary of Ordinance No. BG2012 - 2 was read by the City Attorney. Motion was made by Waltrip and seconded by Nash 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, Nash and Wilkerson
 Voting Nay: None

Ordinance No. BG2012 - 2 was adopted by unanimous vote.

MUNICIPAL ORDER NO. 2012 - 14

MUNICIPAL ORDER AUTHORIZING THE MAYOR TO EXECUTE
A CHANGE ORDER TO THE MEMORANDUM OF AGREEMENT
WITH THE KENTUCKY DIVISION OF WASTE MANAGEMENT
RELATED TO THE BUTLER COUNTY LANDFILL
IMPROVEMENTS

Summary of Municipal Order No. 2012 - 14 was read by the City Attorney. Motion was made by Nash and seconded by Waltrip for consideration of said Municipal Order. DeFebbo explained that although the landfill was closed, it required on-going maintenance to mitigate leachate. He indicated that the Kentucky Division of Waste Management (DWM) was very interested in working with the City to effectuate a solution and to help pay for the costs. Mr. DeFebbo thanked Environmental Coordinator Matt Powell for his work on securing the funds. Mayor Wilkerson pointed out that the State was so pleased with our program that it was willing to work with the City. With no additional discussion, a roll call vote was taken.

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

Municipal Order No. 2012 - 14 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2012 - 15

MUNICIPAL ORDER AUTHORIZING AND ACCEPTING BID
#2012-20 FOR THE FINAL DESIGN SERVICES FOR BUTLER
COUNTY LANDFILL IMPROVEMENTS FROM AMEC
ENVIRONMENT AND INFRASTRUCTURE, INC. OF NASHVILLE,
TENNESSEE IN THE AMOUNT NOT TO EXCEED \$105,640

Summary of Municipal Order No. 2012 - 15 was read by the City Attorney. Motion was made by Waltrip and seconded by Nash for consideration of said Municipal Order. DeFebbo reviewed the bidding and evaluation processes. He recommended approval of the best evaluated bid with the State covering the costs. Mayor Wilkerson asked for additional discussion, and with none, a roll call vote was taken.

ROLL CALL: Voting Yea: Waltrip, Nash and Wilkerson
 Voting Nay: None
Municipal Order No. 2012 - 15 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2012 - 16

MUNICIPAL ORDER AUTHORIZING AND ACCEPTING BID #2012-19 FOR INFORMATION TECHNOLOGY SECURITY AND GENERAL CONTROLS AUDIT FROM SECURANCE CONSULTING OF TAMPA, FLORIDA IN THE AMOUNT OF \$28,200

Summary of Municipal Order No. 2012 - 16 was read by the City Attorney. Motion was made by Nash and seconded by Waltrip for consideration of said Municipal Order. DeFebbo indicated that everyone reads stories about the hacking of information technology systems and as a priority of the Audit Committee, he recommended approval of a professional services contract to audit the City's system controls. Mayor Wilkerson asked for additional discussion, and with none, a roll call vote was taken.

ROLL CALL: Voting Yea: Waltrip, Nash and Wilkerson
 Voting Nay: None
Municipal Order No. 2012 - 16 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2012 - 17

MUNICIPAL ORDER AUTHORIZING AND ACCEPTING BID #2012-24 FOR POLICE DEPARTMENT RENOVATIONS FROM S&J CONSTRUCTION OF BOWLING GREEN, KENTUCKY IN THE AMOUNT OF \$61,350

Summary of Municipal Order No. 2012 - 17 was read by the City Attorney. Motion was made by Nash and seconded by Waltrip for consideration of said Municipal Order. Although the City has an excellent building for the Police Department, Mr. DeFebbo explained that the bull-pen setting used by the Detectives was not as functional as it could be if the space was more divided. He recommended approval to make renovations that would provide a more efficient work area. Police Chief Doug Hawkins described the current flexible work space as a hindrance to productivity with a great deal of interruption in work and disruption. He said it was worth spending the money to improve the Detectives' work space, as well as to make some improvements to the evidence storage area and in an employee break room. Mayor Wilkerson asked for additional discussion, and with none, a roll call vote was taken.

ROLL CALL: Voting Yea: Waltrip, Nash and Wilkerson
 Voting Nay: None
Municipal Order No. 2012 - 17 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2012 - 18

MUNICIPAL ORDER APPROVING AGREEMENT WITH KENTUCKY MOUNTAIN BIKE ASSOCIATION (KYMBA),

**BOWLING GREEN AREA CHAPTER, RELATED TO USE OF PARK
PROPERTY FOR THE DEVELOPMENT OF NATURE SURFACE
TRAILS**

Summary of Municipal Order No. 2012 - 18 was read by the City Attorney. Motion was made by Nash and seconded by Waltrip for consideration of said Municipal Order. DeFebbo recalled that it was nearly a year ago when the City was first approached about the development of mountain bike trails on excess greenways' property located near Barren River. He recommended approval of the two year agreement which provided for the construction and maintenance of the trails. Mayor Wilkerson asked for additional discussion, and with none, a roll call vote was taken.

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

Municipal Order No. 2012 - 18 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2012 - 19

**MUNICIPAL ORDER APPROVING AGREEMENT RELATED TO
INSTALLATION AND MAINTENANCE OF VIPER REMOTE
CONNECTION WITH COMMONWEALTH HEALTH
CORPORATION**

Summary of Municipal Order No. 2012 - 19 was read by the City Attorney. Motion was made by Waltrip and seconded by Nash for consideration of said Municipal Order. In relation to one of the Board of Commissioners' priorities regarding collaboration with other entities, Mr. DeFebbo reviewed and recommended approval of the agreement to improve public safety communications for emergency medical services. Mayor Wilkerson asked for additional discussion, and with none, a roll call vote was taken.

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

Municipal Order No. 2012 - 19 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2012 - 20

**MUNICIPAL ORDER AUTHORIZING THE ACCEPTANCE OF A
GRANT FROM THE U.S. DEPARTMENT OF JUSTICE, OFFICE OF
JUSTICE PROGRAMS, BUREAU OF JUSTICE ASSISTANCE
THROUGH THE BULLETPROOF VEST PARTNERSHIP PROGRAM
IN THE AMOUNT OF \$7,560**

Summary of Municipal Order No. 2012 - 20 was read by the City Attorney. Motion was made by Nash and seconded by Waltrip for consideration of said Municipal Order. DeFebbo reviewed and recommended acceptance of the grant to purchase eighteen vests with the appropriate matching funds provided by the City. Mayor Wilkerson asked for additional discussion, and with none, a roll call vote was taken.

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

Municipal Order No. 2012 - 20 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2012 - 21

MUNICIPAL ORDER APPROVING AN EXCHANGE OF INFORMATION AGREEMENT WITH THE KENTUCKY DEPARTMENT OF REVENUE AND AUTHORIZING CITY EMPLOYEES TO REQUEST, RECEIVE AND PROVIDE INFORMATION

Summary of Municipal Order No. 2012 - 21 was read by the City Attorney. Motion was made by Waltrip and seconded by Nash for consideration of said Municipal Order. DeFebbo reviewed the need for confidentiality with the disclosure of certain tax or other information. He recommended approval of the agreement and identified the designated employees as the Chief Financial Officer, Occupational License Manager, Business Tax Auditor, City Attorney, Assistant City Manager/City Clerk and Police Chief. Mayor Wilkerson asked for additional discussion, and with none, a roll call vote was taken.

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

Municipal Order No. 2012 - 21 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2012 - 22

MUNICIPAL ORDER APPROVING TAX INCREMENT FINANCING (TIF) DISTRICT SUMMARY OF 2010 INCREMENTAL REVENUE AND AUTHORIZING DISTRIBUTION OF \$100,937 TO WARREN COUNTY DOWNTOWN ECONOMIC DEVELOPMENT AUTHORITY, INC.

Summary of Municipal Order No. 2012 - 22 was read by the City Attorney. Motion was made by Waltrip and seconded by Nash for consideration of said Municipal Order. DeFebbo reported that the City committed to sharing 80% of the incremental growth from the WKU Gateway to Downtown Bowling Green Development Area (also known as the "TIF District") with the Warren County Downtown Economic Development Authority. Chief Financial Officer Jeff Meisel indicated the total amount reported was for the 2010 tax year and he explained how the share of the revenues was determined for the total 50 block area, which was made up of the original TIF area (\$25,596) and the expanded TIF area (\$75,341). He also noted that the construction wages from SKyPAC was the largest contributor in the original district, with existing employers providing the bulk of the growth for the entire TIF District. Mayor Wilkerson summarized that the City was getting all of the tax monies it had always received and the amount to be distributed represented the share of the growth over and above the City's base amount without raising taxes. With no other discussion, a roll call vote was taken.

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

Municipal Order No. 2012 - 22 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2012 - 23

MUNICIPAL ORDER APPROVING AGREEMENT RELATED TO
PICTOMETRY IMAGERY AND SOFTWARE BETWEEN THE CITY
OF BOWLING GREEN AND WARREN COUNTY FISCAL COURT

Summary of Municipal Order No. 2012 - 23 was read by the City Attorney. Motion was made by Nash and seconded by Waltrip for consideration of said Municipal Order. DeFebbo indicated the Police Department determined the need to get more up to date aerial photography of the city and county and purchased the Pictometry product. He noted that the City previously partnered with the Property Valuation Administrator's (PVA) office to share the Pictometry product and software. He recommended the same agreement be approved with Warren County for a cost of \$15,000 a year. Mayor Wilkerson clarified that Pictometry was more than just a traditional aerial photography and included oblique views. Once discussion ended, a roll call vote was taken.

ROLL CALL: Voting Yea: Waltrip, Nash and Wilkerson

Voting Nay: None

Municipal Order No. 2012 - 23 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2012 - 24

MUNICIPAL ORDER APPROVING AGREEMENT RELATED TO
PICTOMETRY IMAGERY BETWEEN THE CITY OF BOWLING
GREEN AND BOWLING GREEN MUNICIPAL UTILITIES (BGMU)

Summary of Municipal Order No. 2012 - 24 was read by the City Attorney. Motion was made by Waltrip and seconded by Nash for consideration of said Municipal Order. DeFebbo indicated that because BGMU did not need use of the full service offered by Pictometry, the price was reduced to \$7,500 per year. Mayor Wilkerson asked for additional discussion, and with none, a roll call vote was taken.

ROLL CALL: Voting Yea: Waltrip, Nash and Wilkerson

Voting Nay: None

Municipal Order No. 2012 - 24 was approved by unanimous vote.

CLOSED SESSION

Following a brief recess to clear the Commission Chamber, the Board of Commissioners met at approximately 7:35 p.m. in closed session pursuant to KRS 61.810 (1) (b), (c) and (g) as previously approved. Mr. DeFebbo confirmed there would not be any action taken following 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.

WORK SESSION

Prior to the regular meeting and with no action taken, the Board of Commissioners, excluding Commissioners Denning and Hill, convened at 4:00 p.m. in the Commission Chamber of City Hall for a regular work session to discuss the Request for Proposals for the lease and management of Paul Walker Golf Course and The Golf Course at Riverview. Mr. DeFebbo presented the proposal received from Gary Dirt Company Inc. to lease both Paul Walker and Riverview golf courses for ten (10) years at \$10,000 per year, with two 10-year options to renew and a 50% increase in the lease amount at the start of each new 10-year term. He also presented the staff's response to the Gary Dirt Company Inc. proposal, which was considered non-responsive for failure to submit the mandatory responsibility of bidder form and opened the door for non-competitive negotiations. Mr. DeFebbo outlined six alternate plans for the Board to consider regarding the future of golf operations. The majority of the members present (Comm. Waltrip and Comm. Nash) preferred a modified "option #5" providing that the City continue to operate the two 9-hole golf courses as it has done, but to find ways to reduce costs and increase play with the development of a golf learning center and/or feeder training center at the Riverview golf course in cooperation with the Wadsworth Foundation. Comm. Waltrip recounted that Comm. Denning had also previously voiced the same opinion. Mayor Wilkerson acknowledged that he was among the minority opinion by supporting "option #3" which provided for negotiating with Mr. Gary to privatize the two 9-hole courses.

ADOPTED: _____

APPROVED: _____
Mayor, Chairman of Board of Commissioners

ATTEST: _____
City Clerk

Minutes prepared by Assistant City Manager/City Clerk Katie Schaller