

**MINUTES of REGULAR MEETING
of the BOARD of COMMISSIONERS
of the CITY of BOWLING GREEN, KENTUCKY
held NOVEMBER 19, 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 November 19, 2013. Mayor Bruce Wilkerson called the meeting to order. An invocation was given by Warren County Jailer Jackie Strode, 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 Melinda M. Hill, Commissioner Bill Waltrip, Commissioner Rick Williams, Commissioner Joe W. Denning and Mayor Bruce Wilkerson. Absent: none. There was a full quorum of the Board of Commissioners.

AWARDS & RECOGNITIONS

Mayor Wilkerson proclaimed November 19, 2013 as “Jackie Strode Appreciation Day” for his services with overseeing the Inmate Mowing Program since 1999, which saved taxpayers’ money by providing the resources for inmates to mow and pick up litter along the seven main rights-of-way leading into the City. Although the Program ended October 15th due to reductions in available inmate labor, the Board of Commissioners commended Mr. Strode and the Warren County Jail for their years of support with keeping the entryways clean and mowed. Mr. Strode expressed his appreciation for the recognition and his regret for having to discontinue the program for lack of resources.

PUBLIC HEARINGS

1) Neighborhood and Community Services Director Brent Childers conducted a public hearing for the purpose of reviewing and receiving comments on proposed substantial amendments to the Annual Action Plans for Years 2, 4, 5, 8 and 9 of the Community Development Block Grant (CDBG) Program. Mr. Childers explained that a total of \$71,877 of under spending and previously allocated project funds, which did not come to fruition, would be repurposed. He specified that the prior years’ CDBG funds, combined with Liquid Fuel Tax and previously obligated Westside Initiative funds, would be used for completion of the Collegeview Sidewalk Project, which was estimated to cost \$287,877. Mr. Childers stated that he would continue to accept comments about the proposed amendments through December 9th.

Jennifer Morlan of 400 S Main Avenue stated that she thought this was a great idea and wanted to express her opinion. With no other comments made, Mr. Childers closed the public hearing.

2) City Engineer Melissa Cansler conducted a public hearing for the purpose of reviewing the proposed use of Municipal Aid Program (Liquid Fuel Tax) funds, and Coal Severance and Processing Tax and Mineral Severance Tax (Coal-Mineral Severance Tax) funds for Fiscal Year 2014. She reported that the Fiscal Year 2014 Liquid Fuel Tax (LFT) projected revenues are \$1,283,500 with proposed expenses totaling \$1,200,000. She reviewed the projects proposed for Street Resurfacing (Overlay) of 4.24 miles in the amount of \$900,000, the Downtown Traffic Signal Expansion project to include improvements at the intersection of Highland Way and Smallhouse Road in the amount of \$90,000, and the 12th Avenue and State Street Intersection Rehabilitation project in the amount of \$100,000. In addition, she reported that \$110,000 would be allocated for the rehabilitation of

*Note: Minutes are a summary of the discussions; a video recording of this entire meeting is maintained by the Office of City Clerk.

approximately 1,845 linear feet of sidewalk, curb and gutter, and for related sidewalk maintenance materials. Ms. Cansler further reported that the Fiscal Year 2014 Coal-Mineral Severance Tax projected revenues are \$40,000. She explained that there were no specific plans to expend any of the Coal-Mineral Severance funds in Fiscal Year 2014 since the fund balance had been depleted in the past few years. However, she identified that these funds could be applied to transportation safety related concerns should the need arise later in the year. The projected ending fund balances are \$982,998 for LFT and \$100,473 for Coal-Mineral Severance. With no questions or comments, the public hearing was closed.

ANNOUNCEMENT

Mayor Wilkerson announced the 2014 City Calendar, containing the 2013 Annual Report, was now available for public distribution. Mr. DeFebbo urged residents to pick up a copy or to contact City Hall to request a copy be sent to them.

CITY MANAGER

City Manager Kevin D. DeFebbo requested the addition of a late-filed item (Municipal Order No. 2013 – 197) to the agenda related to a Job Development Incentive Program Withholdings Credit Agreement with Horizon Steel Co. Motion was made by Waltrip and seconded by Hill to add Municipal Order No. 2013 – 197 to the end of the regular agenda for consideration by the Board. Mayor Wilkerson called for roll call vote.

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

Motion to add Municipal Order No. 2013 – 197 to the agenda was approved by unanimous vote.

Mr. DeFebbo also 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 proposed litigation on behalf of the City. Motion was made by Waltrip and seconded by Williams 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: Hill, Waltrip, Williams, Denning 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.

APPROVAL OF MINUTES

Minutes of Regular Meeting November 5, 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 Denning to approve said minutes as written. Mayor Wilkerson asked for discussion, and with none, a roll call vote was taken.

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

Motion to approve the minutes of the regular meeting of November 5, 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 - 36

(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 2014

Title and summary of Ordinance No. BG2013 - 36 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: Hill, Waltrip, Williams, Denning and Wilkerson
 Voting Nay: None

Ordinance No. BG2013 - 36 was adopted by unanimous vote.

MUNICIPAL ORDER NO. 2013 - 186

MUNICIPAL ORDER APPROVING THE PROBATIONARY
APPOINTMENT OF LARRY W. GLASS TO THE POSITION OF
PARKS FACILITY MAINTAINER IN THE PARKS AND
RECREATION DEPARTMENT

Summary of Municipal Order No. 2013 - 186 was read by the Assistant City Manager/City Clerk. Motion was made by Waltrip and seconded by Hill for consideration of said Municipal Order. DeFebbo mentioned this position became vacant following a recent promotion. After reviewing the application and interview process to fill the position, he recommended the appointment of the selected candidate. Mayor Wilkerson asked for additional discussion, and with none, a roll call vote was taken.

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

Municipal Order No. 2013 - 186 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2013 - 187

MUNICIPAL ORDER APPROVING THE PROBATIONARY
APPOINTMENT OF T. LANDRY SPEARS TO THE POSITION OF
LANDSCAPE GARDENER IN THE PARKS AND RECREATION
DEPARTMENT

Summary of Municipal Order No. 2013 - 187 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 a previous promotion created an opening for which the City sought qualified

applicants, and he recommended the appointment. Mayor Wilkerson asked for additional discussion, and with none, a roll call vote was taken.

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

Municipal Order No. 2013 - 187 was approved by unanimous vote.

ORDINANCE NO. BG2013 - 37

(First 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 Waltrip for first reading of said Ordinance. DeFebbo explained that with the retirement of the Parks Maintenance Division Manager, a reorganization of the position prompted the proposed amendments to combine that position with the Golf Course Operations Superintendent position to create the position of Parks / Golf Maintenance Superintendent. With the savings achieved from combining these two positions, he also recommended the creation of the Golf Maintenance Supervisor position. With no other discussion, a roll call vote was taken.

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

First reading of Ordinance No. BG2013 - 37 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2013 - 188

**MUNICIPAL ORDER APPROVING THE APPOINTMENT OF
DAVID LEE TO THE UNIVERSITY DISTRICT REVIEW
COMMITTEE**

Summary of Municipal Order No. 2013 - 188 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 noted this was an appointment to fill a vacancy following a recent resignation. With no discussion, a roll call vote was taken.

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

Municipal Order No. 2013 - 188 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2013 - 189

**MUNICIPAL ORDER APPROVING THE REAPPOINTMENTS OF
DAVID SOWDERS, STEVE SPEAKMAN AND JACK LANCASTER
TO THE CONTRACTORS LICENSING BOARD**

Summary of Municipal Order No. 2013 - 189 was read by the Assistant City Manager/City Clerk. Motion was made by Waltrip and seconded by Hill for consideration of said Municipal Order.

Mayor Wilkerson indicated these reappointments represented specific trades and organizations as specified by ordinance. With no discussion, a roll call vote was taken.

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

Municipal Order No. 2013 - 189 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2013 – 190

MUNICIPAL ORDER AUTHORIZING AND ACCEPTING NEGOTIATIONS AFTER SEALED BIDDING FOR BID #2014-06 FOR THE WILKINSON TRACE POND RE-LINING PROJECT FROM FLETCHER EXCAVATION LLC OF SMITHS GROVE, KENTUCKY IN THE AMOUNT NOT TO EXCEED \$75,000

Summary of Municipal Order No. 2013 - 190 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 that a sink hole at Hole #7 on the CrossWinds Golf Course prompted the need to replace the lining of the pond which was used for irrigation purposes. Since all bids came in over budget, he stated the City was able to negotiate the price down to save about \$6,000. Mayor Wilkerson asked for additional discussion, and with none, a roll call vote was taken.

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

Municipal Order No. 2013 - 190 was approved by unanimous vote.

ORDINANCE NO. BG2013 – 38

(First 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 Williams for first reading of said Ordinance. Mayor Wilkerson asked for discussion, and with none, a roll call vote was taken.

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

First reading of Ordinance No. BG2013 - 38 was approved by unanimous vote.

ORDINANCE NO. BG2013 – 39

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

First reading of Ordinance No. BG2013 - 39 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2013 - 191

MUNICIPAL ORDER APPROVING DEPARTMENT OF DEFENSE
1033 PROGRAM AGREEMENT BETWEEN THE
COMMONWEALTH OF KENTUCKY AND BOWLING GREEN
POLICE DEPARTMENT AND FURTHER APPROVING THE
MEMORANDUM OF AGREEMENT BETWEEN THE STATE OF
KENTUCKY AND BOWLING GREEN POLICE DEPARTMENT
RELATED TO ACQUISITION OF EXCESS DEPARTMENT OF
DEFENSE PROPERTY

Summary of Municipal Order No. 2013 - 191 was read by the Assistant City Manager/City Clerk. Motion was made by Denning and seconded by Waltrip for consideration of said Municipal Order. DeFebbo reviewed the agreements to allow access to surplus equipment and other items at little to no cost to the City. Mayor Wilkerson asked for additional discussion, and with none, a roll call vote was taken.

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

Municipal Order No. 2013 - 191 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2013 - 192

MUNICIPAL ORDER AUTHORIZING THE CITY OF BOWLING
GREEN TO GRANT THE TRANSFER OF FOUR (4) SURPLUS
TRANSIT BUSES FROM THE TRANSIT AUTHORITY OF RIVER
CITY (TARC) TO GO BG TRANSIT

Summary of Municipal Order No. 2013 - 192 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 indicated the City applied for a grant to rehab these buses which would increase the number and size of available transit buses for the area. Mayor Wilkerson pointed out there was no cost to acquire the buses. Once the discussion ended, a roll call vote was taken.

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

Municipal Order No. 2013 - 192 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2013 - 193

MUNICIPAL ORDER EXPRESSING THE CITY OF BOWLING GREEN'S DETERMINATION TO DISCONTINUE USING A 256 ACRE TRACT OF REAL ESTATE IN BUTLER COUNTY AS A SOLID WASTE LANDFILL DISPOSAL SITE; TERMINATING THE AGREEMENT AMONG THE CITY OF BOWLING GREEN, BUTLER COUNTY AND THE CITY OF MORGANTOWN DATED NOVEMBER 13, 1977, RELATED TO THE 256 ACRE TRACT OF REAL ESTATE; AUTHORIZING APPROPRIATE CITY STAFF TO PROVIDE THE NECESSARY SIXTY (60) DAYS WRITTEN NOTIFICATION TO BUTLER COUNTY AND THE CITY OF MORGANTOWN; AND PROVIDING BUTLER COUNTY AND MORGANTOWN WITH THE FIRST OPTION TO PURCHASE THE 256 ACRE TRACT OF REAL ESTATE FOR A PERIOD OF 180 DAYS AT ITS CURRENT FAIR MARKET VALUE

Summary of Municipal Order No. 2013 - 193 was read by the Assistant City Manager/City Clerk. Motion was made by Waltrip and seconded by Williams for consideration of said Municipal Order. City Attorney Gene Harmon recounted that the City had previously approved the sale of a portion of the landfill property for economic development purposes and was given the impression by the purchaser that both Butler County and the City of Morgantown did not have any problems with the sale. However, he explained it has since been determined that the City should give proper notice and terminate the long standing agreement with Butler County and the City of Morgantown to give them the first option to purchase the entire tract of property before any other steps could be taken to close on the sale of a portion of the property. Mayor Wilkerson asked for additional discussion, and with none, a roll call vote was taken.

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

Municipal Order No. 2013 - 193 was approved by unanimous vote.

ORDINANCE NO. BG2013 - 40

(First 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 Denning for first reading of said Ordinance. DeFebbo indicated this was a housekeeping item initiated through staff in an on-going effort to clean up the Code of Ordinances. Mayor Wilkerson asked for additional discussion, and with none, a roll call vote was taken.

ROLL CALL: Voting Yea: Hill, Waltrip, Williams, Denning and Wilkerson
 Voting Nay: None
First reading of Ordinance No. BG2013 - 40 was approved by unanimous vote.

ORDINANCE NO. BG2013 - 41
(First 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 Waltrip and seconded by Williams for first reading of said Ordinance. DeFebbo reported that Bowling Green Municipal Utilities (BGMU) would save approximately \$200,000 through this refinancing. Mayor Wilkerson asked for additional discussion, and with none, a roll call vote was taken.

ROLL CALL: Voting Yea: Hill, Waltrip, Williams, Denning and Wilkerson
 Voting Nay: None
First reading of Ordinance No. BG2013 - 41 was approved by unanimous vote.

ORDINANCE NO. BG2013 - 42
(First Reading)

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 Denning for first reading of said Ordinance. City Attorney Gene Harmon provided an overview of the proposed changes as required by revisions to the Kentucky Revised Statutes, as well as other changes as discussed by the Board of Commissioners at a previous work session and fall retreat. He pointed out that other changes could also be made from the floor and still allow for a first reading tonight, with final approval before the State's deadline of December 11, 2013.

Commissioner Denning brought to everyone's attention that the distance requirement language was still in the Ordinance, although it had been relocated to a more suitable section. He also mentioned that he only knew of one package store owner who wanted to reduce the total gross receipts from the sale of alcoholic beverages to 80% for issuance of a package liquor license. In addition, he suggested the Sunday sales hours for package stores be consistent with other alcoholic beverage retail

stores and have the hours be the same as every other day of the week. Commissioner Denning also specified the proposed changes allowed for the sale of alcohol on Election Day. He insisted that these changes provided the opportunity for a business person to be a business person; and if doing things legally, they should have the opportunity to do the things they want.

Commissioner Waltrip agreed it would make sense to allow package stores to be open at the same time every day and to provide flexibility to store owners to set their own hours within the established parameters. He indicated that the 80% rule was a compromise between the existing 90% and not having any restrictions on the ability to sell other products in package stores. With respect to allowing Sunday sales, he remarked that alcohol was already available on Sundays and this change simply made it more fair to access it at all appropriate locations.

Commissioner Hill stated these changes were a matter of fairness and put the control back into the businesses' hands. She stressed that the City was not intending to dictate that a business had to be open on Sundays, it was just giving them the choice to be open or not.

Jennifer Morlan of 400 S Main Avenue spoke in support of opening up Sunday sales. She surmised it would increase the economy, create jobs and help small businesses to prosper. Bobby Morrow of 319 Gayle Way indicated that he opposed Sunday sales as a matter of it being a day of worship and day of rest. He suggested that more businesses would end up closing because it would not make that much difference in sales and would add to cost. Matthew Litsey of 1112 High Street Apt. 2 spoke in support of Sunday sales. He stated it was not about necessity, religion or the City being able to make money, but rather it was about the freedom to make a choice on an individual basis.

Commissioner Denning voiced concern there might be confusion that this was a money deal for the City. He assured everyone that it was not about the City being able to collect more money. He asserted that if a business did not want to be open on Sunday, that was the business's choice.

Rex Reid of 430 Nealy Road, Alvaton, Kentucky and owner of Reid's Livery and Winery said a person knows where to find liquor regardless of the day of the week. He also commented about research and studies that had been conducted on the subject which indicated there were more occurrences of alcohol related incidents in dry counties than in wet counties and that dry status did nothing to deter access to alcohol.

Lloyd Ferguson of 1100 South Park Drive and package store owner stated he would rather not be open on Sunday, but will be forced to be open due to competition. Also, he expressed concern about changing the 90/10 rule. He commented that Bowling Green had been commended across the state for having this rule which was also upheld by the court system. He felt that any change to that rule might not be wise and could lead to everyone having liquor licenses down the road. In response to questions from Commissioner Hill, Mr. Ferguson indicated he would prefer to have the same hours as retail stores if Sunday sales had to be passed.

Larry Elliott of 706 Wedgewood Court and Wade Traugher of 2809 Nashville Road each spoke against Sunday sales. Mr. Elliott cited religious reasons and speculated it would increase crime. Mr. Traugher commented that his business would have to be open on Sunday to compete if the law passed, but that it would simply spread six days of business over seven days and cost more in

overhead which would hurt his business. He also supported keeping the 90/10 rule as well as the 1,000 foot distance requirement.

William Brenier of 1312 Sun Way Apt. C and operator of a downtown bar spoke in support of Sunday sales to help keep his customers coming back. As Bowling Green grew, he maintained that it was necessary to keep pace with demand.

Commissioner Hill inquired if any other liquor store owners in attendance had any comments about the hours for Sunday sales or the 80/20 rule as initially proposed in the Ordinance. Randal Cochran of 754 Pleasant Grove Road and manager of Chuck's Liquors commented that convenience stores were already open on Sundays and would not have any additional cost from being able to sell alcohol on that day unlike his operation. He contended that to be open on Sunday would be a big expense for no additional income, which may cause him to have to reduce his overhead by eliminating jobs. He also agreed that changing the 90/10 rule might open up a Pandora's box and that there was a good reason for it to have been put in place. Depending on the amount of business conducted, he indicated that a 10% shift could amount to a lot. In addition, Mr. Cochran insisted that he would have no choice, but to be open on Sunday to keep from losing business to his competitors. He urged the Board to reconsider opening up Sunday sales and suggested that more research needed to be done to see how it worked in other communities.

Following the discussion, Commissioner Waltrip made a motion, seconded by Denning, to amend Ordinance No. BG2013 - 42 to change the hours of sale for Sundays from 1:00 – 9:00 p.m. to 8:00 a.m. – 11:00 p.m. in Section 4-6.01. With no discussion, a roll call vote was taken.

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

Motion to amend Ordinance No. BG2013 - 42 to make the hours of sale the same for each day of the week was approved by majority vote.

Commissioner Waltrip stated that there were several valid points made for keeping the 90/10 rule in place, and that he was not opposed to changing it back from 80/20. Mayor Wilkerson reiterated that the courts had upheld the 90/10 rule and was concerned about it being challenged if changed. City Attorney Gene Harmon opined that if it was reduced to 80%, the defense would remain the same as before; however, since the case involving the 90% rule was old, there was no guarantee it would be upheld. Based on the discussion, a motion was made by Waltrip, which was seconded by Hill, to further amend Ordinance No. BG2013 - 42 to change the total projected gross receipts required from alcoholic beverage sales back to 90% in Section 4-4.03. With no discussion, a roll call vote was taken.

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

Motion to amend Ordinance No. BG2013 - 42 to retain the original language in Section 4-4.03 regarding restrictions to package liquor licenses was approved by unanimous vote.

Since there was no additional discussion, Mayor Wilkerson called for a vote on Ordinance No. BG2013 - 42 as amended from the floor.

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

First reading of Ordinance No. BG2013 - 42 as amended was approved by majority vote.

ORDINANCE NO. BG2013 - 43

(First Reading)

ORDINANCE APPROVING JOINT ORDINANCE WITH WARREN COUNTY AND AMENDING
CODE OF ORDINANCES

ORDINANCE APPROVING JOINT ORDINANCE WITH WARREN
COUNTY AND AMENDING CHAPTER 15 (BUSINESS AND
GENERAL REGULATIONS) TO ADD A NEW SUBCHAPTER
RELATED TO TOWING OF VEHICLES FROM PRIVATE PARKING
LOTS AND THE REGULATION OF PRIVATE TOW OPERATORS

Title and summary of Ordinance No. BG2013 - 43 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 Attorney Gene Harmon disclosed that several complaints had been received about towing incidents in the downtown area, and he was contacted by County Attorney Amy Milliken about drafting a joint City/County ordinance to address the issues. He specified that he reviewed and used several other cities' adopted language regarding this issue, including from Louisville and Lexington, to help prepare the draft. While acknowledging that there were still some language issues to be addressed in the document, Mr. Harmon described key aspects of the proposal which included signage requirements and set maximum fee limits. He also outlined sections contained in the proposed Ordinance which prohibited rebates between tow operators and property owners, as well as established criminal penalties for violation of any provision.

In response to questions, Mr. Harmon explained that as a joint ordinance both legislative bodies would have to go through the approval process before it could become effective. However, he confirmed the City could proceed with approval on its own by simply removing any reference to the County. Mayor Wilkerson stated that he was asked by the County Attorney to table the item since there were questions about some of the language contained in the joint ordinance.

Commissioner Denning indicated that the towing issue was of great concern to him and he wanted to make sure regulations were in place before more cars could get towed off. He remarked that he was aware of several incidents where cars had been towed from premises where they should not have been towed. He also expressed concern about the impact these continued activities might have on tourism and other special events held in the City. In addition, he emphasized that only sworn police officers had the authority to have a vehicle towed off the street or other public right-of-way.

Attorney Alan Simpson, representing Randy Huff, owner of Southside Towing, commented that he sent a letter to the Board of Commissioners earlier in the day to bring several items about the provisions contained in the Ordinance to the Board's attention. He requested the opportunity for a work session to discuss the issues and/or the ability to work directly with staff to come to a resolution that would be fair. He mentioned that there were several wrecker companies in town and his client was just one that provided a contracted service to area businesses in order to tow cars from private parking lots. He maintained that it was a private owner's right to regulate his property. After outlining several of his client's concerns, Mr. Simpson asked for the opportunity to work together and not against each other.

Commissioner Williams indicated that he could see both sides of the issue. However, he felt it was necessary to come up with standards for towing businesses to avoid a bad reputation and for

people to feel safe that they have parked in the proper location. Mr. Simpson suggested that the City may need to do a better job of posting signs for designated public parking areas. With a parking structure right next to the Southern Kentucky Performing Arts Center (SKyPAC), he pointed out that the City has made public parking very available for downtown activities and events.

Since it would take some time to work on these issues, Commissioner Williams asked that everyone be cognizant of upcoming events in the next couple of months. He expressed concern with towing taking place during the major sporting events because it was important to keep these events coming back to Bowling Green. Mr. Simpson agreed they would do what they could. Mr. Huff also indicated that he would work with the private parking lot owners to avoid problems where possible.

Commissioner Hill commented about a personal experience where she and another individual from out of town had both parked in an area that did not have any posted signs restricting parking, but were towed anyway. She expressed concern about the impression of our City this incident left on the person from out of town, and she urged everyone to work together to get it resolved.

There was also discussion about state laws and posted opinions of the Attorney General about the subject of towing, as well as existing fees for storage and towing related to police matters. Commissioner Waltrip also agreed it was a good idea for staff to meet with Mr. Simpson and other wrecker companies to work out a suitable compromise. Once the discussion ended, a motion was made by Wilkerson and seconded by Hill to table Ordinance No. BG2013 – 43. With no discussion, a roll call vote was taken.

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

Motion to table first reading of Ordinance No. BG2013 - 43 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2013 – 194

MUNICIPAL ORDER 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 6 OF THE WKU GATEWAY TO DOWNTOWN BOWLING GREEN DEVELOPMENT AREA WITH BROOKSIDE KENTUCKY, LLC

Summary of Municipal Order No. 2013 - 194 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 noted that this Municipal Order and the next two on the agenda related to the same topic. Since all three items were provided in the middle of the agenda preparation process, he informed the Board that staff did not have enough time to thoroughly review the information received prior to the agenda distribution.

Attorney Kevin Brooks, representing Warren County Downtown Economic Development Authority, Inc. (Authority), described the residential development to be located on the College Street side of the parking structure in Block 6. He emphasized that this 4-5 story development to contain approximately 50 units would not be marketed to students, unlike the residential units to be part of the mixed-use development planned for Block 12 by the same Sub-developer. Mr. Brooks also responded

to questions about dedicating 50% of the incremental revenues generated from the project to the Sub-developer, the maximum amount to be received by the Sub-developer, and the previously authorized ability of the Authority to designate revisions to the Revenue Sharing Agreement if a TIF development project would exceed \$3 million.

Commissioner Hill suggested tabling the Municipal Orders due to the late hour and because there were still several more questions to be addressed. Mr. Brooks asked if the Board could consider the action related to the Hyatt Place Hotel for Block 12 (Municipal Order No. 2013 – 196). In order to address each item in turn and once discussion ended, a motion was made by Hill and seconded by Denning to table Municipal Order No. 2013 – 194. With no discussion, a roll call vote was taken.

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

Motion to table Municipal Order No. 2013 - 194 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2013 – 195

MUNICIPAL ORDER 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 BROOKSIDE KENTUCKY, LLC

With several questions pending regarding this item and in order to move ahead to the next item on the agenda as requested by Mr. Brooks, Municipal Order No. 2013 - 195 was withdrawn from the agenda by the City Manager.

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 WELLSRING, LLC

Summary of Municipal Order No. 2013 - 196 was read by the Assistant City Manager/City Clerk. Motion was made by Waltrip and seconded by Hill for consideration of said Municipal Order. Continuing the discussion that began with Municipal Order No. 2013 – 194, Attorney Kevin Brooks responded to questions about this specific project for Block 12. Mr. Brooks noted that the reason for moving this item along was to be able to consider lending needs. Chief Financial Officer Jeff Meisel expressed concern about the Board approving the City TIF Application now if the language in the Sub-developer Agreement gave the Sub-developer another 60-90 days to complete and provide the requested information for that Application. Additionally, Mr. Meisel inquired about a previous discussion for a possible payment-in-lieu-of-taxes (PILOT) to go along with the issuance of Industrial

Revenue Bonds (IRB) for this development, as 20 years was a long time to go without property tax revenues. Mr. Brooks was unaware of any such discussion, but said he would check into it.

Mr. DeFebbo reiterated that the Board should consider a new method of operation with respect to the process for receiving and reviewing TIF documents. Mr. Brooks acknowledged the concerns brought forth and indicated he would follow up with additional information about these particular items as soon as possible. Once the discussion ended, a motion was made by Hill and seconded by Williams to table Municipal Order No. 2013 – 196. With no other discussion, a roll call vote was taken.

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

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

MUNICIPAL ORDER NO. 2013 – 197

MUNICIPAL ORDER APPROVING A JOB DEVELOPMENT INCENTIVE PROGRAM EMPLOYEE WITHHOLDINGS CREDIT AGREEMENT WITH HORIZON STEEL CO.

Summary of Municipal Order No. 2013 - 197 was read by the Assistant City Manager/City Clerk. Motion was made by Hill and seconded by Denning for consideration of said Municipal Order. DeFebbo recommended approval of the incentive with the creation of 30 new jobs. City Attorney Gene Harmon explained the item was filed late to avoid pre-empting the public announcement which took place earlier in the day. Mayor Wilkerson asked for additional discussion, and with none, a roll call vote was taken.

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

Municipal Order No. 2013 - 197 was approved by unanimous vote.

CLOSED SESSION

Following a brief recess to clear the Commission Chamber, the Board of Commissioners met at approximately 10:10 p.m. in closed session pursuant to KRS 61.810 (1) (b) and (c) as previously approved. Mr. DeFebbo confirmed that no action was expected 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 10:20 p.m., Mayor Wilkerson declared this meeting adjourned.

WORK SESSION

Prior to the regular meeting and with no action taken, the Board of Commissioners 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 WKU Gateway to Downtown Bowling Green Tax Increment Financing (TIF) District activities presented by Warren County Downtown Economic Development Authority, Inc.; 2) a presentation regarding economic development activities by the

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Bowling Green Area Chamber of Commerce and a proposal to establish an economic development fund from new property tax revenues with the ability to use those funds for specific purposes; and 3) an update about the Fiscal Year 2014 Stormwater Mitigation Program projects.

ADOPTED: _____

APPROVED: _____
Mayor, Chairman of Board of Commissioners

ATTEST: _____
City Clerk

Minutes prepared by Assistant City Manager/City Clerk Katie Schaller