

**MINUTES of REGULAR MEETING
of the BOARD of COMMISSIONERS
of the CITY of BOWLING GREEN, KENTUCKY
held APRIL 16, 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 April 16, 2013. Mayor Bruce Wilkerson called the meeting to order. An invocation was given by Minister Jeremy McWhorter of Faith Missionary 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 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 announced that Bowling Green Fire Chief Greg Johnson and Southern Kentucky Community Action Executive Director Cheryl Allen will be inducted into the Bowling Green High School Alumni Association Hall of Honor for 2013. He also announced that Commissioner Hill's son, Thomas was named the Gary Force Toyota Scholarship Athlete of the Month.

Operation P.R.I.D.E. Executive Director Quentin Hughes presented P.R.I.D.E.'s monthly commercial award to Mellow Mushroom owners Robert and Catherine Holderfield for improvements made to 1035 Chestnut Street.

PUBLIC HEARING

Neighborhood and Community Services Director Brent Childers conducted a public hearing for the purpose of receiving comments about the Annual Action Plan draft for the Year 10 Community Development Block Grant (CDBG) Entitlement Program. He provided an overview of the program, the eligible uses of funding received from the U.S. Department of Housing and Urban Development (HUD), and the involvement of citizens in the planning process. Subject to the availability of funds which was estimated to be \$471,000 for Fiscal Year 2014, Mr. Childers announced that the Citizen Review Committee recommended funding the following programs submitted for consideration:

- \$20,000 to BG/WC Welfare Center to provide one-time rental or utility assistance to low-to-moderate income (LMI) individuals;
- \$25,240 to Bowling Green Human Rights Commission to continue its fair housing education program;
- \$20,000 to WKU Research Foundation to provide GED and English as a second language (ESL) classes to primarily Spanish speaking adults;
- \$50,000 to Housing Authority of Bowling Green for its Small Business Training and Technical Assistance Program in partnership with WKU's Small Business Development Center;
- \$30,000 to Community Action of Southern Kentucky to provide childcare services in LMI areas;

- \$70,000 to Community Action of Southern Kentucky to install two Federal Transit Authority approved bus shelters, one to be located off Loop Drive and the other off State Street;
- \$22,360 to Boys & Girls Club of Bowling Green to renovate the kitchen facilities to serve youth for after school and school break programs;
- \$100,000 to Family Enrichment Center for the purchase of an existing building to consolidate offices and daycare facilities;
- \$89,600 to Live the Dream Development to renovate two homes (rental conversion program) and sell to qualified families; and,
- \$69,000, or approximately 14%, of the total allocation would be used for administrative expenses.

Mr. Childers also reported that a Year 9 project agreement with Habitat for Humanity of Bowling Green to provide for the installation of infrastructure improvements as part of Phase I and II of Durbin Estates was canceled due to some regulation issues. However, he reported that the funding was held over and Habitat for Humanity reapplied for this year. He proposed that \$150,000 of Year 9 funding be reallocated for a similar purpose as part of Phase III for the Durbin Estates development. He noted that this amount was in addition to the estimated funds anticipated for Year 10.

Mr. Childers responded to questions from the Board regarding the Durbin Estates development and the appearance of the proposed bus shelters. Public Transit Coordinator Ken Meredith provided a copy of the proposed shelter design for the Board to review and indicated the shelters would be made of reinforced glass. Comm. Williams asked if advertising space would be sold on the shelters and expressed concern with the potential for the shelters to become eyesores. Mr. Meredith pointed out that current City ordinance prohibited such sales. Although, he admitted it would be an opportunity to provide an additional revenue source for Public Transit services. Mayor Wilkerson indicated that he would be willing to consider modifying the ordinance to allow for additional Transit revenues.

With no comments received from the public during the hearing, Mr. Childers announced that the public comment period would end on April 26, 2013, with the final draft of the Year 10 Annual Action Plan presented to the Board of Commissioners for its consideration in May.

CITY MANAGER

At the direction of Mayor Wilkerson, City Manager Kevin D. DeFebbo requested a closed session for the purpose of discussion of proposed or pending litigation against or on behalf of the City, and discussion between the City and a representative of a business entity and discussion concerning a specific proposal, as open discussions would jeopardize the siting, retention, expansion or upgrading of the business. Motion was made by Hill and seconded by Waltrip to convene in closed session following the regular meeting pursuant to KRS 61.810 (1) (c) and (g). 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) (c) and (g) was approved by unanimous vote.

APPROVAL OF MINUTES

Minutes of Regular Meeting April 2, 2013

Minutes of the above-referenced meeting were distributed to the Board of Commissioners with the Agenda for their review. Motion was made by Williams and seconded by Waltrip to approve said minutes as written. Mayor Wilkerson asked for discussion, and with none, a roll call vote was taken.

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

Motion to approve the minutes of the regular meeting of April 2, 2013 was approved by majority vote. Comm. Hill abstained since she was absent from that meeting.

PUBLIC COMMENTS

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

REGULAR AGENDA

ORDINANCE NO. BG2013 - 5

(Second Reading)

ORDINANCE REZONING REAL ESTATE

ORDINANCE REZONING TWO TRACTS OF LAND CONTAINING 7.1912 ACRES FROM RS-1A (SINGLE FAMILY RESIDENTIAL) TO PUD (PLANNED UNIT DEVELOPMENT) LOCATED AT 2922 SMALLHOUSE ROAD, PRESENTLY OWNED BY SMALLHOUSE ROAD PARTNERS, LLC

Title and summary of Ordinance No. BG2013 - 5 was read by the Assistant City Manager/City Clerk. Motion was made by Denning 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: Hill, Waltrip, Williams and Denning
 Voting Nay: None
 Abstaining: Wilkerson

Ordinance No. BG2013 - 5 was adopted by majority vote. Mayor Wilkerson stated he had a business conflict.

ORDINANCE NO. BG2013 - 6

(Second Reading)

ORDINANCE ANNEXING PROPERTY BY CONSENT

ORDINANCE ANNEXING 56.96 ACRES OF PROPERTY LOCATED AT 1777 GLASGOW ROAD AND 164 FRED MADISON ROAD, WITH PROPERTY PRESENTLY OWNED BY THE INTER-MODAL TRANSPORTATION AUTHORITY INC., AND 1.35 ACRES OF RIGHT-OF-WAY LOCATED ON MIZPAH ROAD, FOR A TOTAL

OF 58.31 ACRES, AND SAID TERRITORY BEING CONTIGUOUS
TO EXISTING CITY LIMITS

Title and summary of Ordinance No. BG2013 - 6 was read by the Assistant City Manager/City Clerk. Motion was made by Waltrip 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 - 6 was adopted by unanimous vote.

MUNICIPAL ORDER NO. 2013 - 54

MUNICIPAL ORDER APPROVING THE PROBATIONARY
APPOINTMENT OF DEDREA J. COSTA TO THE POSITION OF
COMMUNICATIONS DISPATCHER IN THE POLICE
DEPARTMENT

Summary of Municipal Order No. 2013 - 54 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 commented that the Communications Dispatcher position was a difficult job and had high turnover rates. Following the resignation of a recent hire and being in between the annual hiring process, he reviewed the recommendation to appoint Ms. Costa, who was currently a part-time Cadet, to fill the vacancy. Mr. DeFebbo indicated that Ms. Costa would be required to pass all required tests to maintain the position during her probationary period. 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 - 54 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2013 - 55

MUNICIPAL ORDER APPROVING THE CAREER PATH
ADVANCEMENT OF MATTHEW S. JOHNSON TO THE POSITION
OF EQUIPMENT TECHNICIAN - MASTER IN THE PUBLIC
WORKS DEPARTMENT

Summary of Municipal Order No. 2013 - 55 was read by the Assistant City Manager/City Clerk. Motion was made by Hill and seconded by Denning for consideration of said Municipal Order. Public Works Director Jeff Lashlee recommended the promotion since all qualifications had been met pursuant to the established Career Path Program.

With respect to the Fleet Division's services, Mayor Wilkerson congratulated Fleet Division Manager Barry Harris for distinguishing himself and the Division among 38,000 Public Fleet Managers for consideration as one of the 100 Best Fleets in North America. He indicated that the City would find out the results of where it ranks in the top 100 Fleets in North America for 2013 in June. With no other discussion, a roll call vote was taken.

ROLL CALL: Voting Yea: Hill, Waltrip, Williams, Denning and Wilkerson
 Voting Nay: None
Municipal Order No. 2013 - 55 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2013 - 56

MUNICIPAL ORDER APPROVING THE REAPPOINTMENTS OF
CRISTI PRUITT AND SCOTT GARY TO THE BOWLING GREEN
AUDIT COMMITTEE

Summary of Municipal Order No. 2013 - 56 was read by the Assistant City Manager/City Clerk. Motion was made by Denning and seconded by Hill for consideration of said Municipal Order. Mayor Wilkerson stated these were reappointments and asked for any discussion. 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 - 56 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2013 - 57

MUNICIPAL ORDER AUTHORIZING AND ACCEPTING BID
#2013-06 FOR A PHYSICAL ACCESS CONTROL SYSTEM FROM
X7 SYSTEMS INTEGRATION OF LOUISVILLE, KENTUCKY IN
AN AMOUNT NOT TO EXCEED \$92,000

Summary of Municipal Order No. 2013 - 57 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 remarked that at the yearly retreat the Board broached the idea of how to provide physical security for employees. He reported that this action was one approach to control access to non-public areas. He reviewed and recommended the bid award to install an access control system that could be expanded to all City facilities over time.

In response to some questions about the request for proposal (RFP) that had been circulated prior to the meeting, City Attorney Gene Harmon explained that as an RFP the City had the ability to request clarifications of the respondent. In this case, he noted that the City inquired about technicalities and clarifications related to the number of hours to apply to the hourly labor rates provided in the response from X7 Systems Integration. Comm. Denning expressed confusion about why the response was not filled out properly and why we would need to contact the respondent for clarification, particularly when there were other qualified respondents that completed all the information correctly. Mr. Harmon specified that as an evaluated RFP, it was not unusual to go back to a respondent to request clarifications as needed. He opined that the City had the discretion to determine what would be in its best interest and simply obtained the number of hours estimated to perform the work without changing the hourly rate in the response. Mayor Wilkerson confirmed that the respondent had locked-in a not to exceed amount at a fixed number of hours.

Comm. Hill inquired about the notification process used when the RFP was released. Chief Information Officer Lynn Hartley responded that the RFP was posted on the City's website and an

email notification was sent to all Registered Bidders that had previously requested to receive alerts related to this type of bid. There being no other discussion, a roll call vote was taken.

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

Municipal Order No. 2013 - 57 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2013 - 58

MUNICIPAL ORDER AUTHORIZING AND ACCEPTING BID #2013-28 FOR PROFESSIONAL ARCHITECTURAL AND ENGINEERING SERVICES FOR THE RENOVATION OF THE NEIGHBORHOOD AND COMMUNITY SERVICES (NCS) BUILDING AND CITY HALL ANNEX FROM CLEMENTS AND ASSOCIATES ARCHITECTURE OF BOWLING GREEN, KENTUCKY IN THE TOTAL AMOUNT OF \$75,000

Summary of Municipal Order No. 2013 - 58 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 recounted that discussion regarding a need for additional office and storage space was held during the Board's annual retreat in January. As a result of that discussion and with preliminary design previously completed by an architectural class at WKU, he indicated the City issued a request for proposals (RFP) to complete final design for the renovation of the building located at 707 E. Main and for the City Hall Annex. Once 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 - 58 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2013 - 59

MUNICIPAL ORDER AUTHORIZING AND ACCEPTING BID #2013-31 FOR THE PURCHASE OF VEHICLES FOR THE POLICE, NEIGHBORHOOD AND COMMUNITY SERVICES AND ADMINISTRATION DEPARTMENTS FROM VARIOUS VENDORS IN THE TOTAL AMOUNT OF \$161,660.65

Summary of Municipal Order No. 2013 - 59 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 reviewed the recommendation to purchase vehicles and indicated the City had not replaced any non-public safety related vehicles for a number of years.

Comm. Williams commented that after receiving the agenda packet, he was concerned about the fact no local bidders had submitted a bid. He specified that after researching the bid process, he did not think a lot of people were aware of the process to obtain bid information from the City and it was important for the City to continually educate and encourage local bidders.

Comm. Hill also stated she made several calls to dealerships in Bowling Green and was embarrassed by the responses she received. She stressed that a red flag should have gone up when

only one local dealer was identified on the bidder's list. As a result, she asked if the Board had the ability to reject these bids. City Attorney Gene Harmon confirmed that the Board had the right to reject the bids for any reason. However, he specified that the bids complied with the City's established purchasing policies and procedures.

In response to questions about the last time the City issued a bid for vehicles, Ms. Schaller explained that the last vehicle bid was issued in 2009, and at that time, the City had posted the bid on the website as well as sent out bid packets to 17 potential bidders, three of which were based in Bowling Green. In addition, she noted that because the City had just initiated the Internet posting process for all bids a couple of months prior, staff continued to send out copies of bid packets (as it had always done) to interested bidders in conjunction with the Internet postings, as well as include some advertisement in the newspaper directing potential bidders to the City's Request for Bids webpage. Ms. Schaller also reported that this overlapping notification process continued for several months to inform potential bidders of the opportunity to bid and the change in future bid notifications being initiated through the website process. Comm. Denning expressed disappointment that more had not been done this time to notify local dealers. Ms. Schaller indicated that at least two local dealers had previously signed-up as Registered Bidders and were sent an e-mail alert regarding this opportunity to bid, and one of the local dealers had downloaded the bid packet from the website and was identified on the provided Bidder's List.

City Attorney Gene Harmon outlined the statutory change from 1998 that allowed the City to post bids on the Internet in lieu of incurring costs for advertisement in the newspaper. He explained that any interested bidder had the ability to register for free on the City's Registered Bidder list to receive alerts about various types of bids as well as have the ability to download bid packets at their convenience. He also confirmed that at least two local dealers were registered and sent notification of the vehicle bid, but chose not to respond.

Comm. Williams reiterated the need to better communicate the City's request for bids process to local businesses. Ms. Schaller identified several plans to expand education efforts and to increase the potential bidder pool, including placement of a display ad in the newspaper about every six months reminding interested bidders to periodically check out the City's website, and distribution of information through social media outlets, such as Facebook and Twitter, as well as on Government Access Channel 4. She also mentioned exploring other in-house programming efforts that were being considered. Mayor Wilkerson suggested evaluating the process further at a work session.

Mr. DeFebbo asked if the Board wanted to reject the bids until more local businesses were made aware of the process to sign up. Comm. Waltrip stated that it appeared staff followed policy and he was inclined to approve the bid awards as recommended. He agreed further discussion at a work session was needed to address any potential policy changes moving forward.

Because there were not enough local businesses made aware of the opportunity to bid, Comm. Hill urged the Board to reject these bids and to rebid. She stated that she was told by several of the local dealers she spoke with that they would bid if given the opportunity again. Following the discussion, a roll call vote was taken.

ROLL CALL: Voting Yea: None

Voting Nay: Hill, Waltrip, Williams, Denning and Wilkerson

Municipal Order No. 2013 - 59 was defeated by unanimous vote. Mr. DeFebbo advised that

staff would begin educating local businesses about the request for bids process and how to become a Registered Bidder through the City's website. Comm. Williams also suggested using the Bowling Green Area Chamber of Commerce to help promote the process.

MUNICIPAL ORDER NO. 2013 - 60

MUNICIPAL ORDER AUTHORIZING THE CONTINUATION OF A CONTRACT WITH MOUNTJOY CHILTON MEDLEY, PLC TO PROVIDE EXTERNAL AUDIT SERVICES FOR AN ADDITIONAL YEAR

Summary of Municipal Order No. 2013 - 60 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 recommendation of the Audit Committee to extend the external auditing contract one additional and final year. He specified this would be the fifth year under the previously issued request for proposals (RFP) and the City would once again issue an RFP later this year. 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 - 60 was approved by unanimous vote.

ORDINANCE NO. BG2013 - 7

(First Reading)

ORDINANCE REZONING REAL ESTATE

ORDINANCE REZONING TWO TRACTS OF LAND CONTAINING 2.63 ACRES FROM RM-4 (MULTI-FAMILY RESIDENTIAL) AND P (PUBLIC) TO PUD (PLANNED UNIT DEVELOPMENT) LOCATED AT KENTUCKY STREET, ALUMNI AVENUE, 13TH AVENUE AND AN ALLEY, PRESENTLY OWNED BY WKU STUDENT LIFE FOUNDATION, INC.

Title and summary of Ordinance No. BG2013 - 7 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 - 7 was approved by unanimous vote.

CLOSED SESSION

Following a brief recess to clear the Commission Chamber, the Board of Commissioners met at approximately 8:20 p.m. in closed session pursuant to KRS 61.810 (1) (c) and (g) as previously approved. There was no action expected to 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 8:40 p.m., Mayor Wilkerson declared this meeting adjourned.

ADOPTED: _____

APPROVED: _____
Mayor, Chairman of Board of Commissioners

ATTEST: _____
City Clerk

Minutes prepared by Assistant City Manager/City Clerk Katie Schaller