

**MINUTES of REGULAR MEETING
of the BOARD of COMMISSIONERS
of the CITY of BOWLING GREEN, KENTUCKY
held FEBRUARY 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 February 19, 2013. Mayor Bruce Wilkerson called the meeting to order. An invocation was given by Pastor Lance Parrott of Christian Fellowship 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 Rick Williams, Commissioner Joe W. Denning, Commissioner Melinda M. Hill and Mayor Bruce Wilkerson. Absent: none. There was a full quorum of the Board of Commissioners.

AWARDS & RECOGNITIONS

Mayor Wilkerson invited anyone who might be interested in giving the invocation at a future meeting to contact the City Clerk's Office. City Manager Kevin D. DeFebbo welcomed three students from Western Kentucky University who were in attendance.

Bryan Underwood, Assistant Special Agent in Charge of the Louisville Division of the Federal Bureau of Investigations (FBI), came forth to pay tribute and give special recognition to the Bowling Green Police Department, Chief Doug Hawkins and Captain Brian Harrell for their contributions that led to the arrest of two suspected (and later convicted) terrorists in Bowling Green.

Mayor Wilkerson announced several 2012 Police Department employee awards which were recently presented internally by the Department as follows:

- DUI Award - Officer Ed Pulley
- Bill Key Award – Officer Hany Elhubishi
- Seatbelt Award - Officer Michael Jonker
- Child Restraint Award – Officer Michael Rexroat
- Character Counts Award – Officer Alan Casada
- Civilian of the Year - Communications Supervisor Adam Smith
- Officer of the Year - Officer Ryan Dillon
- Life Saving Medal – Officer Michael Keffer
- Life Saving Medal – Officer Eric Houchins
- Life Saving Medal – Officer David Grimsley

CITY MANAGER

City Manager Kevin D. DeFebbo withdrew item #7 (Municipal Order No. 2013 – 32) from the agenda regarding the Tax Increment Financing District Summary of 2011 Incremental Revenues. He noted that more time was needed to verify the facts and figures related to each block of the Downtown TIF District.

APPROVAL OF MINUTES

Minutes of Regular Meeting February 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 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, Williams, Denning, Hill and Wilkerson
 Voting Nay: None

Motion to approve the minutes of the regular meeting of February 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 - 2
(Second Reading)

ORDINANCE RELATING TO CABLE TELEVISION FRANCHISE

AN ORDINANCE OF THE CITY OF BOWLING GREEN SECTION OF THE BOWLING GREEN-WARREN COUNTY CABLE FRANCHISE AUTHORITY APPROVING EXTENSION OF NON-EXCLUSIVE CABLE FRANCHISE AGREEMENT WITH INSIGHT KENTUCKY PARTNERS II, L.P.

Title and summary of Ordinance No. BG2013 - 2 was read by the Assistant City Manager/City Clerk. Motion was made by Waltrip and seconded by Hill for second reading of said Ordinance. Mayor Wilkerson recounted that the City did not have much control over the cable rates beyond the basic rate and encouraged competition under the non-exclusive franchise. With no other discussion, a roll call vote was taken.

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

Ordinance No. BG2013 - 2 was adopted by majority vote. Comm. Williams stated he had a potential conflict of interest and abstained from the vote.

ORDINANCE NO. BG2013 - 3
(Second Reading)

ORDINANCE RELATING TO BUDGET AMENDMENT

ORDINANCE APPROVING AMENDMENT NUMBER TWO TO THE CITY OF BOWLING GREEN, KENTUCKY ANNUAL OPERATING BUDGET FOR FISCAL YEAR 2013

Title and summary of Ordinance No. BG2013 - 3 was read by the Assistant City Manager/City Clerk. Motion was made by Hill and seconded by Denning 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, Williams, Denning, Hill and Wilkerson
 Voting Nay: None

Ordinance No. BG2013 - 3 was adopted by unanimous vote.

MUNICIPAL ORDER NO. 2013 - 28

MUNICIPAL ORDER AUTHORIZING AND ACCEPTING BID #2013-13 FOR FISCAL YEAR 2012 SIDEWALK CONSTRUCTION PROGRAM, PHASE I FROM SCOTT & MURPHY, INC. OF BOWLING GREEN, KENTUCKY IN THE TOTAL AMOUNT OF \$119,707

Summary of Municipal Order No. 2013 - 28 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 indicated that as a capital project goal, the City had previously established a program to install new sidewalks where most appropriate. He reviewed the bid process and recommended the award for construction services related to installation of new sidewalk along Collett Lane (from Wakefield Drive to Covington Street), Holly Drive (from Morgantown Road to Catherine Drive), and Steeplechase Way (from Ironwood Drive to Lovers Lane).

In response to questions about the proposed sidewalk construction along Steeplechase Way, Public Works Director Jeff Lashlee described the notification process undertaken for all proposed sidewalk projects, including an initial work session discussion with the Board of Commissioners to identify the project list and prioritized results. In addition, he advised that invitations to attend a public meeting are sent to the residents on both sides of the street where sidewalk construction is proposed, as well as to any existing homeowners association for that particular neighborhood. Although he could not recall the exact date, Mr. Lashlee confirmed that a public meeting was held for the Steeplechase Way project; however, there was no opposition voiced from Steeplechase residents at that time. Mr. Lashlee also reviewed the sidewalk project selection criteria adopted by City policy.

Comm. Hill indicated she had seconded the motion just so the item could be discussed; however, she stated it would be difficult for her to support the Steeplechase Way sidewalk project in light of all the calls she has received about it. She further indicated she would rather see the funds be used for a sidewalk project that the residents actual wanted. Comm. Williams inquired about the notification process in relation to funding availability and the timeframe for when actual construction would begin on sidewalk projects. Mr. Lashlee admitted there was a lag in time due to the project selection process including public meetings, final design work, completion of bid specifications, and the actual bidding and award process. Comm. Williams expressed concern about proceeding at the Steeplechase Way location since he also received several calls and suggested that the funds might be better spent in an area where sidewalks were wanted.

City Attorney Gene Harmon noted that the City had already begun acquiring the necessary right-of-way easements and other acquisitions related to the three project locations included in this bid.

He explained that this process takes place before the City goes out to bid for construction, but following the acceptance of the locations by the Board of Commissioners as discussed at a work session and at public meetings. Without specific details available to reference, he remarked that he was only aware of one or two individuals who had not accepted the City's acquisition offer. Comm. Waltrip asked if the Steeplechase Way component of this particular bid could be held up to get more information about potential opposition, and still be able to continue with construction at the other two locations. Mr. Lashlee confirmed that he could place construction for the other two projects ahead of Steeplechase Way. He further confirmed that if it was determined that the Steeplechase Way project should not proceed, another sidewalk project could be substituted in its place so the contractor would not be out any funds from this bid award.

With clarification of the outcome if the Board approved this item as presented, Mayor Wilkerson affirmed the Board's desire that construction would not begin on Steeplechase Way until a meeting could be held with the residents to work out any concerns. A roll call vote was taken with the understanding that the Steeplechase Way project may not proceed if a resolution could not be reached and another sidewalk location in proportional size may be moved up from the project list to take its place.

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

Voting Nay: None

Municipal Order No. 2013 - 28 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2013 - 29

**MUNICIPAL ORDER AUTHORIZING AND ACCEPTING BID
#2013-21 FOR POLICE VEHICLE EQUIPMENT FROM LAW
ENFORCEMENT SUPPLY COMPANY OF PANAMA CITY,
FLORIDA IN THE TOTAL AMOUNT OF \$32,858**

Summary of Municipal Order No. 2013 - 29 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 indicated that the City previously purchased eight patrol vehicles which now required outfitting. He reviewed the bid and recommended award to the lowest bidder.

Andy Stoll of Truckers Lighthouse, a participating bidder on the equipment, inquired about the bid submitted by Law Enforcement Supply Company and why the initial bid amount had been changed. Ms. Schaller reported that there were items included on the bid response that were not requested in the bid specifications, thus they were deducted from the total since the City would not be purchasing those items. She confirmed that the removal of those items from the Law Enforcement Supply Company bid allowed the three bids received to be equally compared (an "apples to apples" comparison of unit priced items). City Attorney Gene Harmon concurred that the City's procurement policies permitted the ability for the City to award a bid in whole or in part, and that the City had the ability to make corrections and/or remove any items not included in the specifications from the final bid price.

Mr. Stoll requested that the Municipal Order be tabled until he had an opportunity to review the bid documents in question. Mr. DeFebbo pointed out that even before any deductions/corrections were made, Truckers Lighthouse would not have been deemed the lowest bidder since there was a

third responsive bidder that bid less than Truckers Lighthouse. Mayor Wilkerson asked the Board members if they wished to entertain a motion to table the Municipal Order at this time, and there was no support voiced. Once the discussion ended, a roll call vote was taken.

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

Municipal Order No. 2013 - 29 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2013 - 30

MUNICIPAL ORDER AUTHORIZING AND ACCEPTING BID #2012-43 FOR HEALTH CARE CONSULTANT SERVICES FROM SHERRILL MORGAN OF COVINGTON, KENTUCKY IN THE TOTAL ANNUAL AMOUNT OF \$25,000

Summary of Municipal Order No. 2013 - 30 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 indicated this item was discussed in detail during the earlier work session and was a recommendation from the Employee Health Care Committee to maintain the services of Sherrill Morgan. Comm. Waltrip explained that his vote on this item related to the idea that it was presented as the best evaluated bid. Comm. Hill stated that she would vote no because the other bid would have saved the taxpayers \$6,000. With no further discussion, a roll call vote was taken.

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

Municipal Order No. 2013 - 30 was approved by majority vote.

MUNICIPAL ORDER NO. 2013 - 31

MUNICIPAL ORDER APPROVING A CONTRACT THROUGH COOPERATIVE PURCHASE WITH KONICA MINOLTA BUSINESS SOLUTIONS (FORMERLY OFFICEWARE) OF WINDSOR, CONNECTICUT UNDER THE KENTUCKY PRICING CONTRACT FOR THE PURCHASE OF TEN (10) KONICA MINOLTA COPIERS IN THE TOTAL AMOUNT OF \$32,399.36

Summary of Municipal Order No. 2013 - 31 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 and recommended the purchase to replace the last of the older Kyocera copiers with more multi-functional equipment. Mayor Wilkerson asked for additional discussion, and with none, a roll call vote was taken.

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

Municipal Order No. 2013 - 31 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2013 - 32

MUNICIPAL ORDER APPROVING TAX INCREMENT FINANCING DISTRICT SUMMARY OF 2011 INCREMENTAL REVENUE AND

AUTHORIZING DISTRIBUTION OF \$110,607 TO WARREN COUNTY DOWNTOWN ECONOMIC DEVELOPMENT AUTHORITY, INC.

Municipal Order No. 2013 - 32 was previously withdrawn from the agenda.

MUNICIPAL ORDER NO. 2013 - 33

MUNICIPAL ORDER APPROVING AND AUTHORIZING THE MAYOR TO EXECUTE GRANTS OF EASEMENT AND DEED WITH AUBURNDALE GARY LIMITED PARTNERSHIP II AND GREENWOOD PLAZA, LLC RELATED TO PLACEMENT OF COMMERCIAL SIGNS LOCATED NEAR THE INTERSECTION OF CAMPBELL LANE AND GARY FARMS BOULEVARD, AND SCOTTSVILLE ROAD AND GARY FARMS BOULEVARD

Summary of Municipal Order No. 2013 - 33 was read by the Assistant City Manager/City Clerk. Motion was made by Waltrip and seconded by Denning for consideration of said Municipal Order. DeFebbo reported the City was approached by the commercial developer regarding the relocation of two existing entrance signs. City Attorney Gene Harmon described the location for each new sign and the proposal to exchange an easement for one sign from additional land to be deeded over to the City for a future expansion of right-of-way at the same intersection. Mayor Wilkerson asked for additional discussion, and with none, a roll call vote was taken.

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

Municipal Order No. 2013 - 33 was approved by unanimous vote.

ADJOURNMENT

Following remarks from Comm. Denning about the award presented to the Police Department by the FBI and with no further business to come before the Board of Commissioners, at approximately 8:05 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 downtown TIF activities presented by the Warren County Downtown Economic Development Authority; 2) a presentation by the Employee Health Care Committee regarding its recommendation for the award of an Employee Medical Benefit Consultant contract (Bid #2012-43) based on an evaluated bid process; and 3) an increase in donation structures located throughout town and whether or not to regulate them through code enforcement or by zoning regulations, similar to off-premise signs. There was a consensus of the Board of Commissioners directing staff to put together options and recommendations regarding potential regulation of donation structures for future consideration.

ADOPTED: _____

APPROVED: _____
Mayor, Chairman of Board of Commissioners

ATTEST: _____
City Clerk

Minutes prepared by Assistant City Manager/City Clerk Katie Schaller