

**MINUTES of REGULAR MEETING
of the BOARD of COMMISSIONERS
of the CITY of BOWLING GREEN, KENTUCKY
held MARCH 20, 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 March 20, 2012. Mayor Bruce Wilkerson called the meeting to order. An invocation was given by Doug Gorman of Crossland Community 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 Brian "Slim" Nash, Commissioner Bill Waltrip, Commissioner Joe W. Denning and Mayor Bruce Wilkerson. Absent: none. There was a full quorum of the Board of Commissioners.

AWARDS & RECOGNITIONS

Operation P.R.I.D.E. Executive Director Ray Lackey presented P.R.I.D.E.'s monthly commercial award for April to TRAX Running for improvements made to the interior of 1240 Fairview Avenue. Joe Wheet accepted the award and expressed appreciation to the City for the opportunity to take over the building and partnership to promote fitness in the park and community. Mr. Wheet also announced that TRAX was planning a marathon to take place on November 4th to raise awareness for Muscular Sclerosis.

Mr. Lackey announced that the Olde Stone Run for Pride would be held May 12th with a pasta dinner on May 11th, and all the proceeds raised would go toward the I-65 Exit 22 beautification project.

Mayor Wilkerson acknowledged the talents of Bowling Green High basketball team for representing the community in the Sweet 16 and WKU Men's Basketball team and Coach Harper in the NCAA tournament. He also recognized the Bowling Green and Warren County high schools' girls and boys teams that will be bowling in the state tournament this weekend, including Public Works Operations Division Manager Bobby Phelps' son who bowled a perfect 300 and will be bowling as an individual at the tournament.

CITY MANAGER

City Manager Kevin D. DeFebbo requested a closed session for the purpose of discussion about the sale of real property by the City as publicity would likely affect the value of the specific piece of property to be sold. He noted that no action would follow the discussion. 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). Mayor Wilkerson called for roll call vote.

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

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

WKU GATEWAY TO DOWNTOWN BOWLING GREEN
TAX INCREMENT FINANCING (TIF) DISTRICT QUARTERLY REPORT

Doug Gorman, Chairperson of the Warren County Downtown Economic Development Authority (WCDEDA), provided a brief update regarding TIF activities and projects already underway. He indicated that a quarterly report was due to the State at the end of this month which would reflect approximately \$130 million in projects to date. He expressed excitement about the progress being made in the downtown area, including the successful opening of SKyPAC. Mr. Gorman remarked that the parking garage in Block 6 was about 90% complete and it would be fully functional by June 1st. He also reported that the Cox Development Group was finalizing its purchases of property for Block 7 and would start construction soon with an opening date of October 1st. In addition, Mr. Gorman commented that discussions were still progressing to locate an upscale grocery store in the downtown, as well as construction of residential and commercial space to go in Block 6, and that Mr. Shubert was progressing with the renovations at the old Bowling Green Jr. High.

APPROVAL OF MINUTES

Minutes of Regular Meeting March 6, 2012

Minutes of the above-referenced meeting were distributed to the Board of Commissioners with the Agenda for their review. Motion was made by Hill and seconded by 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, Nash, Waltrip, Denning and Wilkerson
 Voting Nay: None

Motion to approve the minutes of the regular meeting of March 6, 2012 was approved by unanimous vote.

PUBLIC COMMENTS

Mike Montgomery addressed the Board of Commissioners to inquire why the City would turn down free services. He mentioned that he had received a courtesy call from the Mayor following the last meeting and was told that there was no interest in considering his services. He contemplated several scenarios that might provide a reason for the City to turn down his offer, and he repudiated all. As he originally offered at the March 6th meeting, Mr. Montgomery once again proposed to provide his services to lead, consult or in any way help with performing an analysis of the golf proposal received from Gray Dirt Company, Inc. He reiterated that he had no hidden agenda and that he wanted the Board to do its job and represent the taxpayers. Mr. Montgomery urged the Board to at the very least take a public vote regarding his offer. Mayor Wilkerson thanked Mr. Montgomery for his comments.

REGULAR AGENDA

ORDINANCE NO. BG2012 – 3
(Second Reading)

O ORDINANCE RELATING TO CLASSIFICATION/PAY SCHEDULE

ORDINANCE AMENDING THE CLASSIFICATION/PAY
SCHEDULE “G” FOR GENERAL CLASSIFIED EMPLOYEES FOR

FISCAL YEAR 2012 TO ADD THE CLASSIFICATION OF EXECUTIVE ASSISTANT

Title and summary of Ordinance No. BG2012 - 3 was read by the Assistant City Manager/City Clerk. Motion was made by Hill and seconded by Waltrip for second reading of said Ordinance. DeFebbo commented about the continuous efforts to achieve savings by combining positions when feasible and recommended approval. Mayor Wilkerson asked for additional discussion, and with none, a roll call vote was taken.

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

Ordinance No. BG2012 - 3 was adopted by unanimous vote.

ORDINANCE NO. BG2012 - 4

(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 2012

Title and summary of Ordinance No. BG2012 - 4 was read by the Assistant City Manager/City Clerk. Motion was made by Denning and seconded by Nash for second reading of said Ordinance. As discussed at the previous meeting, Mr. DeFebbo reiterated that the Board had a fiduciary responsibility to approve any amendments to the budget. Mayor Wilkerson asked for additional discussion, and with none, a roll call vote was taken.

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

Ordinance No. BG2012 - 4 was adopted by unanimous vote.

ORDINANCE NO. BG2012 - 5

(Second Reading)

ORDINANCE PROVIDING FOR THE ISSUANCE OF GENERAL OBLIGATION BONDS

AN ORDINANCE OF THE CITY OF BOWLING GREEN, KENTUCKY AUTHORIZING THE ISSUANCE OF (I) CITY OF BOWLING GREEN, KENTUCKY GENERAL OBLIGATION REFUNDING BONDS, SERIES 2012A IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$6,665,000 FOR THE PURPOSE OF REFUNDING A PORTION OF THE OUTSTANDING CITY OF BOWLING GREEN, KENTUCKY GENERAL OBLIGATION BONDS, SERIES 2004A AND (II) CITY OF BOWLING GREEN, KENTUCKY TAXABLE GENERAL OBLIGATION REFUNDING BONDS, SERIES 2012B IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$1,525,000 FOR THE PURPOSE OF REFUNDING ALL OR A PORTION OF THE OUTSTANDING CITY OF BOWLING GREEN, KENTUCKY GENERAL OBLIGATION BONDS, SERIES 2004B (TAXABLE), THE

PROCEEDS OF WHICH IN TURN FINANCED THE COSTS OF THE ACQUISITION, CONSTRUCTION AND INSTALLATION OF VARIOUS PUBLIC PROJECTS IN THE CITY OF BOWLING GREEN, KENTUCKY; APPROVING THE FORMS OF BONDS; AUTHORIZING DESIGNATED OFFICERS TO EXECUTE AND DELIVER THE BONDS; AUTHORIZING AND DIRECTING THE FILING OF NOTICE WITH THE STATE LOCAL DEBT OFFICER; PROVIDING FOR THE PAYMENT AND SECURITY OF THE BONDS; CREATING BOND PAYMENT FUNDS; AUTHORIZING ACCEPTANCE OF THE BIDS OF THE BOND PURCHASERS FOR THE PURCHASE OF THE BONDS FOLLOWING THE ADVERTISED SALE OF THE BONDS; AND REPEALING INCONSISTENT ORDINANCES

Title and summary of Ordinance No. BG2012 - 5 was read by the Assistant City Manager/City Clerk. Motion was made by Waltrip and seconded by Nash for second reading of said Ordinance. DeFebbo stated that it was staff's goal to always borrow money at the least possible cost. Chief Financial Officer Jeff Meisel said he watches the market daily. He updated the Board about the bond sale taking place on April 9th which was a few days later than originally planned due to a delay with receiving a bond rating from Moody's. Although, he confirmed that the estimated savings was still going to be around \$700,000 or more. Mayor Wilkerson asked for additional discussion, and with none, a roll call vote was taken.

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

Ordinance No. BG2012 - 5 was adopted by unanimous vote.

MUNICIPAL ORDER NO. 2012 - 36

**MUNICIPAL ORDER APPROVING THE REAPPOINTMENT OF
CHIP HIGHTOWER TO THE URBAN GROWTH DESIGN REVIEW
BOARD**

Summary of Municipal Order No. 2012 - 36 was read by the Assistant City Manager/City Clerk. Motion was made by Denning and seconded by Nash for consideration of said Municipal Order. Mayor Wilkerson asked for discussion, and with none, a roll call vote was taken.

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

Municipal Order No. 2012 - 36 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2012 - 37

**MUNICIPAL ORDER APPROVING THE REAPPOINTMENT OF
WENDY MARIE KUBLIN TO THE BOWLING GREEN AREA
CONVENTION AND VISITORS BUREAU**

Summary of Municipal Order No. 2012 - 37 was read by the Assistant City Manager/City Clerk. Motion was made by Hill and seconded by Waltrip for consideration of said Municipal Order. Mayor Wilkerson asked for discussion, and with none, a roll call vote was taken.

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

Municipal Order No. 2012 - 37 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2012 - 38

MUNICIPAL ORDER APPROVING THE PROMOTION OF
JENNIFER R. NASH TO THE POSITION OF EXECUTIVE
ASSISTANT IN THE POLICE DEPARTMENT

Summary of Municipal Order No. 2012 - 38 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 remarked about Ms. Nash joining the growing list of employees who have taken on more duties. He remarked that her skill set and abilities were the catalyst for being able to combine the positions as suggested by Chief Hawkins. Mayor Wilkerson asked for additional discussion, and with none, a roll call vote was taken.

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

Municipal Order No. 2012 - 38 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2012 - 39

MUNICIPAL ORDER AUTHORIZING AND ACCEPTING BID
#2012-26 FOR CHEMICALS AND FERTILIZERS FOR THE PARKS
AND RECREATION DEPARTMENT, GOLF DIVISION FROM
VARIOUS VENDORS IN THE TOTAL AMOUNT NOT TO EXCEED
\$126,804.27

Summary of Municipal Order No. 2012 - 39 was read by the Assistant City Manager/City Clerk. Motion was made by Denning and seconded by Nash for consideration of said Municipal Order. DeFebbo remarked that the Golf Division used a number and type of different fertilizers and chemicals. He noted that this bid came in at about 3% less than last year and locks in prices for the next twelve months. He also pointed out that this was the first instance that the local preference policy came into play with its adoption this past fall. Comm. Nash commented about the ability to reward local businesses that have invested in Bowling Green and that the preference was working just as it was designed. DeFebbo quoted from the Purchasing Agent's memo "it cost the taxpayers \$95.14 more to buy local which was a reasonable amount to support local business." Mayor Wilkerson affirmed that with this bid the City would not necessarily spend all the funds unless the products were required. Once the discussion ended, a roll call vote was taken.

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

Municipal Order No. 2012 - 39 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2012 - 40

MUNICIPAL ORDER AUTHORIZING AND ACCEPTING BID #2012-29 FOR PEDIGO PARK LITTLE LEAGUE FIELD LIGHTING FROM KNIGHT ELECTRIC, INC. OF BOWLING GREEN, KENTUCKY IN THE AMOUNT OF \$92,500

Summary of Municipal Order No. 2012 - 40 was read by the Assistant City Manager/City Clerk. Motion was made by Hill and seconded by Nash for consideration of said Municipal Order. DeFebbo reviewed the project and the ability to use Community Development Block Grant (CDBG) funds to make improvements. Mayor Wilkerson asked for additional discussion, and with none, a roll call vote was taken.

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

Municipal Order No. 2012 - 40 was approved by unanimous vote.

ORDINANCE NO. BG2012 - 6

(First Reading)

ORDINANCE REZONING REAL ESTATE

ORDINANCE REZONING 0.91 ACRE OF A TRACT OF LAND, CONTAINING 1.779 ACRES, FROM OP-C (OFFICE AND PROFESSIONAL - COMMERCIAL) TO LI (LIGHT INDUSTRIAL) LOCATED AT 944 SEARCY WAY, PRESENTLY OWNED BY CLP PROPERTIES, LLC AND PBW DEVELOPMENT, LLC

Title and summary of Ordinance No. BG2012 - 6 was read by the Assistant City Manager/City Clerk. Motion was made by Waltrip and seconded by Nash 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, Nash, Waltrip, Denning and Wilkerson
 Voting Nay: None

First reading of Ordinance No. BG2012 - 6 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2012 - 41

MUNICIPAL ORDER AUTHORIZING THE EXECUTION OF A GUARANTEED RATE AGREEMENT WITH THE KENTUCKY LEAGUE OF CITIES INSURANCE SERVICES FOR INSURANCE COVERAGES OF GENERAL LIABILITY, PUBLIC OFFICIALS LIABILITY, LAW ENFORCEMENT LIABILITY, AUTOMOBILE LIABILITY AND PHYSICAL DAMAGE, PROPERTY AND WORKERS COMPENSATION

Summary of Municipal Order No. 2012 - 41 was read by the Assistant City Manager/City Clerk. Motion was made by Denning and seconded by Hill for consideration of said Municipal Order. DeFebbo explained that staff monitored the state of the insurance market and was able to lock in rates for the next two years. He thanked Safety/Risk Manager David Weisbrodt for his ability to

negotiate with the City's provider. Mayor Wilkerson asked for additional discussion, and with none, a roll call vote was taken.

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

Municipal Order No. 2012 - 41 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2012 - 42

MUNICIPAL ORDER APPROVING THE ADVERTISEMENT FOR BIDS AND DISTRIBUTION OF A PRELIMINARY OFFICIAL STATEMENT FOR THE PURCHASE OF CITY OF BOWLING GREEN, KENTUCKY GENERAL OBLIGATION REFUNDING BONDS, SERIES 2012A IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$6,665,000 AND CITY OF BOWLING GREEN, KENTUCKY TAXABLE GENERAL OBLIGATION REFUNDING BONDS, SERIES 2012B IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$1,525,000

Summary of Municipal Order No. 2012 - 42 was read by the Assistant City Manager/City Clerk. Motion was made by Nash and seconded by Hill for consideration of said Municipal Order. DeFebbo explained this action was a procedural requirement to proceed with the sale of bonds previously approved by Ordinance No. BG2012 - 5. Mayor Wilkerson asked for additional discussion, and with none, a roll call vote was taken.

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

Municipal Order No. 2012 - 42 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2012 - 43

MUNICIPAL ORDER AUTHORIZING THE CONTINUATION OF A CONTRACT WITH US BANK TO PROVIDE BANKING SERVICES FOR AN ADDITIONAL YEAR

Summary of Municipal Order No. 2012 - 43 was read by the Assistant City Manager/City Clerk. Motion was made by Waltrip and seconded by Nash for consideration of said Municipal Order. DeFebbo stated this was the fifth and final year of the current banking contract with US Bank. He further stated that the City would go out for bid at the end of the year for consideration of new banking services. Following a question from Comm. Denning, Mr. DeFebbo confirmed that US Bank would be able to bid to provide services again. Comm. Waltrip disclosed that his daughter-in-law worked at US Bank and asked if there was any conflict of interest. City Attorney Gene Harmon indicated that unless Comm. Waltrip received money from his daughter-in-law, there would not be any conflict. Mayor Wilkerson asked for additional discussion, and with none, a roll call vote was taken.

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

Municipal Order No. 2012 - 43 was approved by unanimous vote.

ORDINANCE NO. BG2012 - 7
(First Reading)
ORDINANCE AMENDING CODE OF ORDINANCES

ORDINANCE AMENDING CHAPTER 8 (CEMETERIES) OF THE
CITY OF BOWLING GREEN CODE OF ORDINANCES TO MAKE
VARIOUS ADMINISTRATIVE AMENDMENTS

Title and summary of Ordinance No. BG2012 - 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. DeFebbo mentioned it was a goal of staff to continually update ordinances as needed. City Attorney Gene Harmon reviewed the two major changes being recommended. He indicated that a citizen prompted one of the changes relating to a conflict with state law regarding the ability to carry weapons into the cemeteries. For the other major change, Mr. Harmon explained the recommended change in terminology relating to the purchase of a cemetery lot whereby the purchaser would be issued a Certificate of Burial instead of a Cemetery Deed, which implied ownership of the land. In addition, Mr. Harmon commented that any previous reference about the inability to openly carry weapons in City parks was also updated to comply with state statute. Mayor Wilkerson asked for additional discussion, and with none, a roll call vote was taken.

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

First reading of Ordinance No. BG2012 - 7 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2012 - 44

MUNICIPAL ORDER OF THE CITY OF BOWLING GREEN,
KENTUCKY EXPRESSING ITS INTENT TO LEASE THE PARKING
GARAGE CURRENTLY BEING COMPLETED IN BLOCK 6 OF
THE WKU GATEWAY TO DOWNTOWN BOWLING GREEN TAX
INCREMENT FINANCING (TIF) DISTRICT

Summary of Municipal Order No. 2012 - 44 was read by the Assistant City Manager/City Clerk. Motion was made by Nash and seconded by Hill for consideration of said Municipal Order. DeFebbo indicated this action related to a proposed lease agreement to help finance the wrap to be built around the parking garage in Block 6. City Attorney Gene Harmon responded to questions about the lease payments per year which were unknown at this time, but would be equal to the debt service payments on the Industrial Revenue Bonds (IRB) to be issued by Warren County for this project and would be offset by designated revenues generated from Blocks 4A, 5, 6, 8 and 10. He confirmed that Warren County would have no obligation to make any debt payments since the IRB would be issued on behalf of a private developer. He noted that Warren County would remain responsible for the operation and maintenance of the garage.

Attorney Kevin Brooks, representing the Warren County Downtown Economic Development Authority (WCDEDA), specified that through this action the City was simply expressing its intent and willingness to lease the garage with several precursors before any lease agreement would be finalized. He disclosed that under this agreement, the City would move up on the revenue sharing schedule with

the potential to receive monies in excess of the lease payment that could be used to help pay the City's debt service on the ballpark bonds.

Comm. Waltrip stated that he respected what was trying to be done to move the project forward and that he supported the success of the TIF. However, he revealed that he would be voting against this action because there was added risk, that he could not support, for the City by guaranteeing a bond payment.

Comm. Hill remarked that she believed the risk was acceptable when viewing the difference between a small business owner and an entrepreneur who was willing to take risk by looking for the bigger picture and the benefit to the community.

Comm. Denning recounted that he had openly raised issue in the past about this area being left vacant in the downtown. However, he indicated that he was glad to see things taking place in an area that was once blighted. With the adoption of the TIF district by the elected body, he expressed his support of the efforts to bring that to fruition. He also acknowledged that his support may seem unusual based on his past votes related to TIF.

Mayor Wilkerson detailed that he understood the risk involved, but thought it was acceptable when weighing the risk against the opportunities brought by the development. He indicated that even more palatable than that was the upward movement of the City on the revenue sharing schedule and the potential to get money sooner to help pay for the ballpark debt. Once the discussion ended, a roll call vote was taken.

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

Municipal Order No. 2012 - 44 was approved by majority vote.

CLOSED SESSION

Following a brief recess to clear the Commission Chamber, the Board of Commissioners met at approximately 7:55 p.m. in closed session pursuant to KRS 61.810 (1) (b) as previously approved.

ADJOURNMENT

Once all discussion concluded in closed session and there being 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) status report regarding the establishment of the African American Museum; 2) a revised Police Career Development Program through the Kentucky Law Enforcement Council (KLEC); and 3) a cooperative agreement between Western Kentucky University and the Police Department related to the South Central Kentucky Cyber Forensic Support Facility. The Board expressed unanimous preliminary support for both police related items.

ADOPTED: _____

APPROVED: _____
Mayor, Chairman of Board of Commissioners

ATTEST: _____
City Clerk

Minutes prepared by Assistant City Manager/City Clerk Katie Schaller