

**MINUTES of REGULAR MEETING  
of the BOARD of COMMISSIONERS  
of the CITY of BOWLING GREEN, KENTUCKY  
held APRIL 3, 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 April 3, 2012. Mayor Bruce Wilkerson called the meeting to order. An invocation was given by Habitat for Humanity Director Rodney Goodman, 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 Brian “Slim” Nash, Commissioner Bill Waltrip, Commissioner Joe W. Denning, Commissioner Melinda M. Hill and Mayor Bruce Wilkerson. Absent: none. There was a full quorum of the Board of Commissioners.

**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 9 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 \$496,000 for Fiscal Year 2013, Mr. Childers announced that the Citizen Review Committee recommended funding nine out of eleven programs submitted for consideration, including the following:

- \$25,000 to BG/WC Welfare Center to provide one-time rental or utility assistance to low-to-moderate income (LMI) individuals;
- \$30,200 to Bowling Green Human Rights Commission to continue its fair housing education program;
- \$18,000 to WKU Research Foundation “Alive Center” to provide GED and English as a second language (ESL) classes to primarily Spanish speaking adults;
- \$150,000 to Habitat for Humanity of Bowling Green to provide for the installation of infrastructure improvements as part of Phase I and II of Durbin Estates;
- \$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;
- \$22,400 to Community Ventures Corporation to provide small business training/technical assistance and micro-lending to LMI individuals;
- \$18,000 to Community Action of Southern Kentucky to provide childcare services in LMI areas;
- \$13,400 to Community Action of Southern Kentucky to provide transportation services for disable persons;
- \$100,000 to Windover Place Apartments to provide for the installation of stormwater improvements to prevent surface flooding and mitigate flood loss; and,
- \$69,000, or approximately 14%, of the total allocation would be used for administrative expenses.

Mr. Childers responded to questions from the Board regarding the past year's allocation amount to the Human Rights Commission, the number of applications received versus the number recommended for funding, and how the final award amounts would be determined if CDBG funding came in less than anticipated. In addition, City Engineer Melissa Cansler responded to questions about the Windover Place stormwater project which was identified as #26 on the City's Stormwater Mitigation Program project list. She commented that the Stormwater Mitigation Program project was estimated at a much higher amount because it was taking into consideration a much bigger solution for the whole area. Mr. Childers noted that the Windover Place project was to just fix the problems the apartment complex was experiencing.

With no comments received from the public during the hearing, Mr. Childers noted that the public comment period would end on April 16, 2012, with the final draft of the Year 9 Annual Action Plan presented to the Board of Commissioners for its consideration at the May 1<sup>st</sup> regular meeting.

### AWARDS & RECOGNITIONS

Mayor Wilkerson extended appreciation and best wishes to Police Administrative Assistant Wanda Palazzi and Fire Apparatus Operator/EMT Tony Russell as they retire from the City after 22 and 23 years of service, respectively. He also welcomed Will Barrett from Boy Scout Troup 710.

### CITY MANAGER

City Manager Kevin D. DeFebbo requested a closed session for the purpose of discussion on the future acquisition and sale of real property by the City as publicity would likely affect the value of the specific pieces of property to be acquired for public use and sold by the City. Motion was made by Waltrip and seconded by Hill 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: Nash, Waltrip, Denning, Hill and Wilkerson  
                          Voting Nay: None

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

Mr. DeFebbo asked for the Board's indulgence with viewing a video which was produced in-house in an effort to provide a means to better educate the public about the use of fireworks. Graphics Designer Laura Harris provided an overview of the video and its purpose which outlines safe procedures for the proper use of fireworks. The *Spotlight on Bowling Green* video was premiered to the public. Following the viewing, Comm. Nash said he did not see anything about the 200 foot rule that state statute required. Mr. DeFebbo responded that the intent was to mirror the policy that the Board passed, delicately weaving a balance between that and the educational component reflected in the video.

### APPROVAL OF MINUTES

#### Minutes of Regular Meeting March 20, 2012

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

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

Motion to approve the minutes of the regular meeting of March 20, 2012 was approved by unanimous vote.

**PUBLIC COMMENTS**

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

**REGULAR AGENDA**

**ORDINANCE NO. BG2012 - 6**

**(Second 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 Nash and seconded by Waltrip for second reading of said Ordinance. Comm. Denning inquired about the principle officers of corporations and when that information was obtained, since generally only one principle officer was identified on any of the paperwork provided to the Board of Commissioners. City-County Planning Commission Director Steve Hunter responded that the Planning Commission verifies corporation status and principle officers when a zoning application is filed. Mayor Wilkerson asked for additional discussion, and with none, a roll call vote was taken.

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

Ordinance No. BG2012 - 6 was adopted by unanimous vote.

**ORDINANCE NO. BG2012 - 7**

**(Second 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 Nash 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: Nash, Waltrip, Denning, Hill and Wilkerson  
                          Voting Nay: None

Ordinance No. BG2012 - 7 was adopted by unanimous vote.

MUNICIPAL ORDER NO. 2012 - 45

MUNICIPAL ORDER APPROVING THE PROMOTION OF CHRIS J. BUCHANON TO THE POSITION OF FIRE APPARATUS OPERATOR/EMT IN THE FIRE DEPARTMENT

Summary of Municipal Order No. 2012 - 45 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 indicated that a recent retirement opened up this position for promotion. Fire Chief Greg Johnson spoke about retiree Tony Russell and his service to the Department. He also reviewed and recommended the promotion. Mayor Wilkerson asked for additional discussion, and with none, a roll call vote was taken.

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

Municipal Order No. 2012 - 45 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2012 - 46

MUNICIPAL ORDER APPROVING THE PROBATIONARY APPOINTMENT OF GARY L. MILLER TO THE POSITION OF FIRE EQUIPMENT MECHANIC IN THE PUBLIC WORKS DEPARTMENT

Summary of Municipal Order No. 2012 - 46 was read by the Assistant City Manager/City Clerk. Motion was made by Nash and seconded by Waltrip for consideration of said Municipal Order. DeFebbo explained that with the recent retirement of Fire Equipment Mechanic Randall Hendricks, this position was reorganization under Public Works Fleet Division to redefine efficiencies. He reviewed the application process and highlighted the qualifications of the recommended candidate. Mayor Wilkerson asked for additional discussion, and with none, a roll call vote was taken.

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

Municipal Order No. 2012 - 46 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2012 - 47

MUNICIPAL ORDER APPROVING PARKS AND RECREATION FEES

Summary of Municipal Order No. 2012 - 47 was read by the Assistant City Manager/City Clerk. Motion was made by Nash and seconded by Waltrip for consideration of said Municipal Order. DeFebbo reported that approximately five years ago, the fee schedule was brought to the Board of Commissioners for its approval even though by ordinance that was not necessary. He explained it was his intention that the Board have some input into the revenues which impact the budget.

Comm. Nash indicated that he had received an email and some phone calls about the recommended fee increase for the lease of garden plots located at Kereiakes Park. Even though the amount was minimal, he suggested that the fee not be increased and that it stay the same rate since many people garden to save money on groceries. Commissioners Waltrip and Hill and Mayor Wilkerson all agreed. Parks and Recreation Director Ernie Gouvas explained the recommendation was based on the fact that all 88 garden plots were leased out in a matter of a three hours on the day they become available for leasing. He indicated that some other areas, such as at Preston Miller Park and on property located near Barren River, will be looked at to expand the community gardens for next season. In responding to questions, Mr. Gouvas revealed that there was a waiting list for garden plots of about eight people. He also described the process and work involved with getting the garden plots ready for lease each year. Comm. Nash commended Mr. Gouvas for his leadership of the Department and keeping fees reasonable. Mr. Gouvas thanked the Commissioner for his comments. He stated the last thing they wanted to do was raise fees.

Comm. Hill asked how many increases had been brought forward over the last five years. Mr. Gouvas indicated that there have been few increases throughout the years and agreed to get that information together. Comm. Hill also asked about the methodology used to determine fee changes. Mr. Gouvas replied that it was based on supply and demand, as well as level of usage, condition of courses/equipment and/or as an effort to increase play, such as with The Golf Course at Riverview where fees are recommended to be decreased, both to increase play and consider the current condition of the course. Comm. Hill continued that she was having trouble understanding why some things were increased and not others. She declared that if an increase was made in one area it should be made across the board. She also indicated that she had issues with cutting fees for the Riverview golf course since it was the biggest burden on the City. Mr. Gouvas explained what was taken into consideration when making changes. Upon request, he also described the volunteer program at golf and the capability of meeting certain criteria with their services in order to play golf for free.

In addition, Comm. Hill commented about the cemetery fees which seemed low compared to others. She suggested bringing the fee up to \$525 for weekday burial in order to be more competitive in the market. Mr. Gouvas mentioned that cemetery fees were adjusted a few years ago, but could be increased again at the Board's pleasure.

Along with the discussion about cemetery fees, Comm. Denning commented about the lack of permanent markers to identify burials and the difficulty people have with locating family members. He suggested that funeral directors needed to be more involved with making sure that markers are provided following a burial. He further suggested that a simple stone could be provided to identify the individual and that the funeral director could include that as part of the total fees charged for their services. Mr. Gouvas indicated that Cemetery staff worked diligently to update the City's records which were now computerized and easier to search. He agreed that physical markers would be of benefit, but would add to the cost somewhere since a simple foot marker has an average cost of about \$400. He further suggested that if a permanent marker was required that it would be good to also specify the use of hard stone like granite to make sure it stands up to time. Mr. Gouvas said it could be a simple ordinance change requiring a marker or work with the funeral directors to make sure it is provided.

Comm. Hill made a motion, seconded by Denning, to table Municipal Order No. 2012 - 47 to provide more time for all the fees to be reviewed. Comm. Nash asked for clarification of the intent to

table the discussion. He stated that he would not be in support of raising all of the fees simply because we are raising some of the fees. Comm. Hill stated she wanted more justification about why fees were raised in some programs and not in others. She also acknowledged that she would be in favor of increasing more of the fees than what has been recommended. Mayor Wilkerson expressed an interest in looking at it a little closer and perhaps raising more fees as well, with the exception of the garden plots as previously discussed. Mr. DeFebbo suggested a work session be held to discuss the fees in more detail. Mayor Wilkerson requested to get a little more background on where we have been and where we are going which could be presented in a spreadsheet format. Mr. Gouvas agreed to provide the requested information for further review to include a more detailed look at changes made over the past few years and to include the reason behind each recommended change. Comm. Denning clarified that the motion was to table with nothing changing until it was brought back. Comm. Hill and Mayor Wilkerson agreed that was the intent. With no additional discussion, a roll call vote was taken.

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

Motion to table Municipal Order No. 2012 - 47 for further review and study was approved by majority vote.

**MUNICIPAL ORDER NO. 2012 - 48**

**MUNICIPAL ORDER AUTHORIZING AND ACCEPTING BID #2012-31 FOR FIRE DEPARTMENT BREATHING AIR COMPRESSOR, FILL STATION AND CASCADE BOTTLE SYSTEM FROM BREATHING AIR SYSTEMS OF REYNOLDSBURG, OHIO IN THE AMOUNT OF \$33,377.04**

Summary of Municipal Order No. 2012 - 48 was read by the Assistant City Manager/City Clerk. Motion was made by Nash and seconded by Waltrip for consideration of said Municipal Order. DeFebbo reviewed and recommended the purchase to update critical equipment to support fire services. Comm. Hill commented about having a limited amount of funding in the City's budget and expressed support of an expenditure for safety purposes. DeFebbo pointed out that the Fire Department had access to a special revenue fund (Fire Improvement Fund) that was established many years ago to support the needs of fire service. Mayor Wilkerson asked for additional discussion, and with none, a roll call vote was taken.

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

Municipal Order No. 2012 - 48 was approved by unanimous vote.

**MUNICIPAL ORDER NO. 2012 - 49**

**MUNICIPAL ORDER AUTHORIZING AND ACCEPTING BID #2011-25 FOR FISCAL YEAR 2011 SIDEWALK CONSTRUCTION PROGRAM, PHASE I FROM SCOTT AND MURPHY, INC. OF BOWLING GREEN, KENTUCKY IN THE AMOUNT OF \$106,711.45**

Summary of Municipal Order No. 2012 - 49 was read by the Assistant City Manager/City Clerk. Motion was made by Nash and seconded by Denning for consideration of said Municipal

Order. DeFebbo reviewed the Sidewalk Program and location of this project to build sidewalks along Patton Way and Fields Drive. Mayor Wilkerson asked for additional discussion, and with none, a roll call vote was taken.

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

Municipal Order No. 2012 - 49 was approved by unanimous vote.

**MUNICIPAL ORDER NO. 2012 - 50**

**MUNICIPAL ORDER AMENDING MUNICIPAL ORDER NO. 2012-40 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 TO FURTHER AUTHORIZE THE DIRECT PURCHASE OF MATERIALS FROM MUSCO SPORTS LIGHTING**

Summary of Municipal Order No. 2012 - 50 was read by the Assistant City Manager/City Clerk. Motion was made by Nash and seconded by Waltrip for consideration of said Municipal Order. DeFebbo reviewed the use of Community Development Block Grant (CDBG) funds for this project and the ability to direct purchase materials to help stretch the dollar. Mayor Wilkerson remarked that the West Little League played at this park. Comm. Nash commented about the improvements to the park. Parks and Recreation Director Ernie Gouvas indicated that just about everything in the park had been rebuilt in the last six years. Once the discussion ended, a roll call vote was taken.

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

Municipal Order No. 2012 - 50 was approved by unanimous vote.

**MUNICIPAL ORDER NO. 2012 - 51**

**MUNICIPAL ORDER AUTHORIZING AND ACCEPTING BID #2012-04 FOR THE CITY HALL CAMPUS FACILITY SECURITY PROJECT FROM CMS ROOFING AND GENERAL CONTRACTORS OF BOWLING GREEN, KENTUCKY IN THE AMOUNT OF \$52,774**

Summary of Municipal Order No. 2012 - 51 was read by the Assistant City Manager/City Clerk. Motion was made by Nash and seconded by Waltrip for consideration of said Municipal Order. DeFebbo remarked that employee safety was always an on-going concern. He commented about the difficulty encountered with trying to retrofit pre-existing buildings versus incorporating safety components in new design. He explained that an employee Process Action Team (PAT) was used to assist with developing a plan to address areas of concerns within the City's facilities. Ms. Schaller stated that the PAT was organized and assigned the task of assessing each individual City facility's security needs and to make recommendations for cost effective security enhancements that would promote safety of City employees by limiting and controlling access to non-public parts of the facilities. She indicated that this bid was the first phase of the project and included renovations in the City Hall Annex and City Hall buildings that would limit public access to non-public areas, with the second phase incorporating electronic access panels for the non-public (or employee only) areas.

Mayor Wilkerson requested an explanation of the construction to take place. Ms. Schaller made an effort to describe the changes to take place in City Hall which would enclose the front counter area to prevent someone from easily walking behind the counter and to create a new access through the City Clerk's office. Comm. Hill inquired if there was any way to add metal detectors. Mr. DeFebbo replied that the cost to man the metal detectors was not feasible. He explained the proposal was to provide added security at minimal cost. City Attorney Gene Harmon further explained that the proposed changes would give the added ability to provide time for an employee to escape into a secured area and incorporate a little more safety where possible.

Chief Financial Officer Jeff Meisel mentioned some past situations where an individual had simply appeared at his office door and caught him by surprise. He described the proposed changes in the City Hall Annex which would control access to employee only areas with the reconfiguration of the switchboard area with the Treasury counter and installation of a glass wall in front of the Business License Division offices providing a designated public area at the entrance of the building. City Engineer Melissa Cansler remarked about the existing set up in the Public Works Administration building which controlled access with the use of existing interior doors. She also described the proposed reconfiguration to the public entrance for the Building Division that would set up the area to better control access beyond the front counter. Once the discussion ended, a roll call vote was taken.

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

Municipal Order No. 2012 - 51 was approved by unanimous vote.

**MUNICIPAL ORDER NO. 2012 - 52**

**MUNICIPAL ORDER AUTHORIZING THE MAYOR TO EXECUTE  
A LEASE AGREEMENT WITH SH & FH PROPERTIES, LLC FOR  
PROPERTY LOCATED AT 328 EAST 10<sup>TH</sup> AVENUE**

Summary of Municipal Order No. 2012 - 52 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 indicated that the City Attorney's offices had been housed in this space for the past nine years without a rate increase. He recommended approval to continue the lease for another year with a small increase. City Attorney Gene Harmon commented about being very happy with the landlord. He also noted that the new lease rate was locked in for the next three years. Mayor Wilkerson asked for additional discussion, and with none, a roll call vote was taken.

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

Municipal Order No. 2012 - 52 was approved by unanimous vote.

**MUNICIPAL ORDER NO. 2012 - 53**

**MUNICIPAL ORDER APPROVING AMENDMENT TO THE  
AFRICAN AMERICAN MUSEUM FUNDING AGREEMENT WITH  
WROTE, INC. TO INCLUDE AFRICAN AMERICAN MUSEUM /  
BOWLING GREEN AREA, INC. (AAM/BGA) AS A PARTY AND  
TO AUTHORIZE THE SECOND PAYMENT**



Summary of Municipal Order No. 2012 - 53 was read by the Assistant City Manager/City Clerk. Motion was made by Nash and seconded by Denning for consideration of said Municipal Order. DeFebbo recounted the City's previous commitment to support the startup of the museum. He reported that with the establishment of a new 501(c)(3), WROTE, Inc. would step aside and AAM/BGA would receive the funding from the City. He also noted that this action authorized the second payment to take place once the first disbursement was fully spent. Mayor Wilkerson asked for additional discussion, and with none, a roll call vote was taken.

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

Municipal Order No. 2012 - 53 was approved by unanimous vote.

**MUNICIPAL ORDER NO. 2012 - 54**

**MUNICIPAL ORDER AUTHORIZING THE APPROVAL AND  
SUBMISSION OF FISCAL YEAR 2013 ANNUAL PLAN FOR THE  
SECTION 8 HOUSING CHOICE VOUCHER PROGRAM**

Summary of Municipal Order No. 2012 - 54 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 requirement to file an annual plan and recommended its approval. He reported that the City's Housing Program served 723 families at a cash value of \$2,718,496. Neighborhood and Community Services Director Brent Childers clarified that the number of families served was during Fiscal Year 2011. He also responded to a question about the maximum number of vouchers allotted to the City which was based on a formula with extra vouchers possible for specific purposes. Mayor Wilkerson asked for additional discussion, and with none, a roll call vote was taken.

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

Municipal Order No. 2012 - 54 was approved by unanimous vote.

**MUNICIPAL ORDER NO. 2012 - 55**

**MUNICIPAL ORDER APPROVING AGREEMENT RELATED TO  
PICTOMETRY IMAGERY BETWEEN THE CITY OF BOWLING  
GREEN AND THE CITY-COUNTY PLANNING COMMISSION OF  
WARREN COUNTY, KENTUCKY**

Summary of Municipal Order No. 2012 - 55 was read by the Assistant City Manager/City Clerk. Motion was made by Nash and seconded by Waltrip for consideration of said Municipal Order. DeFebbo detailed the purchase of the Pictometry product through the Police Department and the ability to share the technology with other governmental agencies by agreement. He recommended approval of this agreement for the use of the aerial photography only at an annual cost to the Planning Commission of \$7,500. City-County Planning Commission Director Steve Hunter expressed appreciation for the ability to access the updated aerials in an effort to continue to provide free color maps for walk-in requests and to use the pictures to update the on-line map. Mayor Wilkerson asked for additional discussion, and with none, a roll call vote was taken.

ROLL CALL:           Voting Yea: Nash, Waltrip, Denning, Hill and Wilkerson  
                          Voting Nay: None  
Municipal Order No. 2012 - 55 was approved by unanimous vote.

ORDINANCE NO. BG2012 - 8

(First Reading)

ORDINANCE RELATED TO WKU GATEWAY TO DOWNTOWN BOWLING GREEN TIF  
DEVELOPMENT AREA

ORDINANCE 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 7 OF THE WKU GATEWAY TO DOWNTOWN BOWLING GREEN DEVELOPMENT AREA; DECLARING CITY-OWNED PROPERTIES IN BLOCK 7 OF THE DEVELOPMENT AREA SURPLUS; AND AUTHORIZING THE CONVEYANCE OF THESE PROPERTIES AND THE EXECUTION OF THE DEED AND RELATED DOCUMENTS FOR THESE PROPERTIES TO WARREN COUNTY DOWNTOWN ECONOMIC DEVELOPMENT AUTHORITY, INC. FOR ECONOMIC DEVELOPMENT PURPOSES

Title and summary of Ordinance No. BG2012 - 8 was read by the Assistant City Manager/City Clerk. Motion was made by Nash and seconded by Waltrip for first reading of said Ordinance. DeFebbo indicated that there was a good overview of the project in a recent *Daily News* article. He advised that there was no longer any use for the property that the City owned in Block 7 since it was no longer needed for SKyPAC. City Attorney Gene Harmon remarked about the proposal to create new jobs with the business and the ability to give property away for economic purposes. He confirmed that SKyPAC had previously given up any interests in the property and that the property would be conveyed at no cost for the development. Mayor Wilkerson asked for additional discussion, and with none, a roll call vote was taken.

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

First reading of Ordinance No. BG2012 - 8 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2012 - 56

MUNICIPAL ORDER APPROVING WARREN COUNTY DOWNTOWN ECONOMIC DEVELOPMENT AUTHORITY, INC. OPERATING BUDGETS FOR FISCAL YEARS 2011-2012 AND 2012-2013, THE BASEBALL PARK BUDGETS FOR FISCAL YEARS 2009-2012 AND 2012-2013, AND THE BASEBALL PARK OPERATING EXPENSE REPORT FROM FEBRUARY 12, 2009 THROUGH DECEMBER 6, 2011

Summary of Municipal Order No. 2012 - 56 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 specified that the various agreements related to the Downtown Tax Increment Financing (TIF) District require that the City review and approve the Authority and Baseball Park budgets as well as expenses for the Ballpark.

Comm. Denning inquired about a previous commitment made to provide \$100,000 to Downtown Redevelopment Authority, Inc. (DRA) for renovation and lease of 601 State Street as part of the TIF development. City Attorney Gene Harmon confirmed it was part of the Master Development Agreement, but was pending due to lack of funds. Kevin Brooks, attorney for Warren County Downtown Economic Development Authority, Inc. (Authority), agreed that earlier agreements provided for it; however, it was contingent upon the sale of TIF bonds which had not occurred to date. He said that it may still be possible to see something happen with the building in the future.

City Attorney Gene Harmon also informed the Board that amendments to the various agreements would be coming forward for consideration soon. With no additional discussion, a roll call vote was taken.

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

Voting Nay: None

Municipal Order No. 2012 - 56 was approved by unanimous vote.

#### CLOSED SESSION

Following a brief recess to clear the Commission Chamber, the Board of Commissioners met at approximately 8:55 p.m. in closed session pursuant to KRS 61.810 (1)(b) as previously approved. Mr. DeFebbo confirmed that no action would 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 9:35 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*