

**MINUTES of REGULAR MEETING
of the BOARD of COMMISSIONERS
of the CITY of BOWLING GREEN, KENTUCKY
held MAY 15, 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 May 15, 2012. Mayor Bruce Wilkerson called the meeting to order. An invocation was given by a student from Bowling Green Christian Academy, 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 May 2012 monthly residential award to Allison and Rodie Millet for improvements made to their property located at 720 Cottonwood Drive. Ms. Millet expressed their appreciation for the recognition. Mr. Lackey also announced that the June 2012 monthly residential award would go to Michael and Kathleen Lightfoot for improvements made to their property located at 213 Ragland Way. With his upcoming departure, Mr. Lackey introduced Paul Sexton, retired BGPD officer, who would be helping Operation P.R.I.D.E. during the transition.

Mayor Wilkerson announced Warren County Wednesday at the Bowling Green Ballpark was scheduled for May 16th and he encouraged residents to attend. He also announced that the State Historic Preservation Officer (SHPO) would be sponsoring a program about repurposing old buildings to be held at 601 State Street on Thursday, May 17th.

CITY MANAGER

City Manager Kevin D. DeFebbo 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 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 Waltrip and seconded by Nash to convene in closed session following the regular meeting pursuant to KRS 61.810 (1) (b) and (g). 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) and (g) was approved by unanimous vote.

REMOVAL OF ITEM FROM AGENDA

Mayor Wilkerson announced that consideration of Ordinance No. BG2012-16 (related to the rezoning of a tract of land containing 6.09 acres from AG (Agriculture) and HB (Highway Business)

to PUD (Planned Unit Development) located at 1791 Old Louisville Road, presently owned by Farmers Investment Company, LLC with Wabuck Development Company, LLC as contract vendee) was removed from this agenda and would be rescheduled for the next meeting.

APPROVAL OF MINUTES

Minutes of Regular Meeting May 1, 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 Nash 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 May 1, 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 - 12

(Second Reading)

ORDINANCE REZONING REAL ESTATE

ORDINANCE REZONING A TRACT OF LAND CONTAINING 8.48 ACRES FROM HB (HIGHWAY BUSINESS) AND LI (LIGHT INDUSTRIAL) TO LI (LIGHT INDUSTRIAL) LOCATED ON DISHMAN LANE, PRESENTLY OWNED BY TOMMY LOID

Title and summary of Ordinance No. BG2012 - 12 was read by the Assistant City Manager/City Clerk. Motion was made by Waltrip 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: Hill, Nash, Waltrip, Denning and Wilkerson
 Voting Nay: None

Ordinance No. BG2012 - 12 was adopted by unanimous vote.

ORDINANCE NO. BG2012 - 13

(Second Reading)

ORDINANCE REZONING REAL ESTATE

ORDINANCE REZONING A TRACT OF LAND CONTAINING 5.03 ACRES FROM RM-4 (MULTI-FAMILY RESIDENTIAL) TO PUD (PLANNED UNIT DEVELOPMENT) LOCATED AT 1140 KENTUCKY STREET, PRESENTLY OWNED BY COLUMNS, LLC

Title and summary of Ordinance No. BG2012 - 13 was read by the Assistant City Manager/City Clerk. Motion was made by Hill and seconded by Nash 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, Nash, Waltrip, Denning and Wilkerson
 Voting Nay: None

Ordinance No. BG2012 - 13 was adopted by unanimous vote.

ORDINANCE NO. BG2012 - 14
(Second Reading)
ORDINANCE REZONING REAL ESTATE

ORDINANCE REZONING A TRACT OF LAND CONTAINING 0.19
ACRE FROM HB (HIGHWAY BUSINESS) TO RM-4 (MULTI-
FAMILY RESIDENTIAL) LOCATED AT 1516 KENTON STREET,
PRESENTLY OWNED BY L R PROPERTY MANAGEMENT, LLC

Title and summary of Ordinance No. BG2012 - 14 was read by the Assistant City Manager/City Clerk. Motion was made by Nash and seconded by Hill 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, Nash, Waltrip, Denning and Wilkerson
 Voting Nay: None

Ordinance No. BG2012 - 14 was adopted by unanimous vote.

MUNICIPAL ORDER NO. 2012 - 77

MUNICIPAL ORDER APPROVING THE REAPPOINTMENT OF
DAVID W. MCKILLIP AND APPOINTMENT OF TONY WITTY TO
THE BOWLING GREEN AUDIT COMMITTEE

Summary of Municipal Order No. 2012 - 77 was read by the Assistant City Manager/City Clerk. Motion was made by Nash and seconded by Waltrip for consideration of said Municipal Order. Mayor Wilkerson expressed appreciation to Mr. McKillip for continuing to serve on the Board. He also thanked Mr. James Martens, who was stepping down, for his valued service on the Board since its creation. With no other discussion, a roll call vote was taken.

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

Municipal Order No. 2012 - 77 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2012 - 78

MUNICIPAL ORDER APPROVING THE PROBATIONARY
APPOINTMENT OF JAMES L. NAPPER TO THE POSITION OF
CODE ENFORCEMENT INSPECTOR IN THE NEIGHBORHOOD
AND COMMUNITY SERVICES DEPARTMENT

Summary of Municipal Order No. 2012 - 78 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 recounted that an appointment to this same position was just approved on April 17th; however, after working for one day, Mr. Kemble Johnson decided to go back to his previous employer. Since Mr. Napper was the second candidate on the list for hire and a former BGPD officer, Mr. DeFebbo recommended approval of the appointment. 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 - 78 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2012 - 79

MUNICIPAL ORDER AUTHORIZING THE CONTINUATION OF A CONTRACT WITH A GENERAL TOUCH LLC OF LOUISVILLE, KENTUCKY FOR JANITORIAL SERVICES FOR THE PUBLIC WORKS DEPARTMENT, FACILITIES MANAGEMENT DIVISION IN THE AMOUNT OF \$468,787.32 FOR THREE ADDITIONAL YEARS

Summary of Municipal Order No. 2012 - 79 was read by the Assistant City Manager/City Clerk. Motion was made by Nash and seconded by Waltrip for consideration of said Municipal Order. With an opportunity to extend the janitorial services contract for three additional years at the same price, Mr. DeFebbo recommended its 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

Municipal Order No. 2012 - 79 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2012 - 80

MUNICIPAL ORDER AUTHORIZING AND ACCEPTING BID #2012-38 FOR GOLF CART REPLACEMENT FROM CUNNINGHAM GOLF CART COMPANY, INC. OF LOUISVILLE, KENTUCKY IN THE NET AMOUNT OF \$332,200

Summary of Municipal Order No. 2012 - 80 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 cart bid which was initially for replacement at all three golf courses. He explained that the bid was revised to award the purchase of carts for only Paul Walker and CrossWinds and the best existing carts would go to Riverview. All remaining carts would then be traded-in under the bid award.

With the bid for a total of 108 carts for two courses, Comm. Hill asked how many carts could be on the courses at the same time. Golf Division Manager Bob Jeffers replied that depending on the day, if there was a tournament or special event, they could all be on the course at the same time. Comm. Hill indicated that she was concerned about investing money into new golf carts. Mr. Jeffers explained that 36 carts were kept at Paul Walker and 72 at CrossWinds, which was standard. Comm. Nash interjected that carts needed to be available for rent by new customers coming on the course

after a tournament ended and for staff use throughout the day. Mr. Jeffers pointed out that the existing carts were 8-10 years old and most carts have a useful life of about 4-5 years. He also confirmed that any older carts kept would be located at Riverview, with all new carts going to Paul Walker and CrossWinds.

Mayor Wilkerson also indicated that he was having difficulty with this purchase. He disagreed with continuing to add to the golf facilities without having a business plan moving forward. He said he would rather see a long-term plan of what we were going to do with the golf program. Once discussion ended, a roll call vote was taken.

ROLL CALL: Voting Yea: Nash, Waltrip and Denning

Voting Nay: Hill and Wilkerson

Municipal Order No. 2012 - 80 was approved by majority vote.

MUNICIPAL ORDER NO. 2012 - 81

MUNICIPAL ORDER AUTHORIZING AND ACCEPTING BID #2012-21 FOR CENTER STREET AND MAIN AVENUE SIGNAL IMPROVEMENTS FROM ARROW ELECTRIC COMPANY OF LOUISVILLE, KENTUCKY IN THE AMOUNT OF \$112,442.30

Summary of Municipal Order No. 2012 - 81 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 one of the public goals was to improve traffic flow. He recommended the bid award to continue with making improvements to the traffic signals in the downtown area. 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 - 81 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2012 - 82

MUNICIPAL ORDER AUTHORIZING A CHANGE ORDER TO THE CONTRACT WITH SCOTTY'S CONTRACTING AND STONE LLC OF BOWLING GREEN, KENTUCKY FOR FISCAL YEAR 2012 STREET OVERLAY (BID #2012-36) IN THE AMOUNT OF \$40,512.01

Summary of Municipal Order No. 2012 - 82 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 recounted that at the May 1st meeting a bid was awarded for the annual overlay contract. Because the bid came in over budget, only the budgeted amount was awarded which meant that four streets had to be taken off the overlay list. After going back to review the funding account, Mr. DeFebbo reported that under-spending was identified that could be added to the contract and complete the last four streets previously removed from the list. Mayor Wilkerson asked for clarification of where the money was coming from and Mr. DeFebbo confirmed it was from the Liquid Fuel Tax, state monies. With no additional discussion, a roll call vote was taken.

ROLL CALL: Voting Yea: Hill, Nash, Waltrip, Denning and Wilkerson
 Voting Nay: None
Municipal Order No. 2012 - 82 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2012 - 83

MUNICIPAL ORDER AUTHORIZING A CHANGE ORDER TO THE CONTRACT WITH AMEC ENVIRONMENT AND INFRASTRUCTURE, INC. OF NASHVILLE, TENNESSEE FOR THE FINAL DESIGN SERVICES FOR BUTLER COUNTY LANDFILL IMPROVEMENTS (BID #2012-20) IN THE AMOUNT NOT TO EXCEED \$66,332

Summary of Municipal Order No. 2012 - 83 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 reviewed the leachate issues at the landfill and the plan to address issues which included the need to identify some basic facts. At the request of Comm. Hill, Mr. DeFebbo explained that the City owned the property located in Butler County, Kentucky and used it in the past when the City operated a solid waste division. He further explained that the City was responsible for the continued management of the closed landfill.

Environmental Coordinator Matt Powell responded to a question about the possibility of the State reimbursing the City for this cost since it had agreed to cover the initial contract amount. However, he stated that he had not received any confirmation from the State at this point. He also responded to a question about the City's responsibility to monitor the landfill located off of Old Louisville Road. When 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 - 83 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2012 - 84

MUNICIPAL ORDER APPROVING THE YEAR 9 ANNUAL ACTION PLAN OF THE CONSOLIDATED PLAN FOR COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) ENTITLEMENT FUNDING AND AUTHORIZING ITS SUBMISSION TO THE U. S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Summary of Municipal Order No. 2012 - 84 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 reviewed the annual funding and the process taken to receive and spend it, including the requirement to conduct public hearings. He recommended approval of the Annual Plan to spend approximately \$496,000. 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 - 84 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2012 - 85

**MUNICIPAL ORDER ACCEPTING DONATION FROM JOHN AND
LINDA KELLY FAMILY CHARITABLE FOUNDATION TO
EXPAND THE SCOPE OF SERVICE OF CAMP HAPPY DAYS**

Summary of Municipal Order No. 2012 - 85 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 that the City had been the beneficiary of this donation for the past five years which provided for an adult camp program. Parks and Recreation Director Ernie Gouvas thanked the Kelly family for its donation which helps to cover the costs of the adult camp and required staffing. Mayor Wilkerson also expressed appreciation for the donation. With no other discussion, a roll call vote was taken.

ROLL CALL: Voting Yea: Hill, Nash, Waltrip, Denning and Wilkerson
 Voting Nay: None
Municipal Order No. 2012 - 85 was approved by unanimous vote.

ORDINANCE NO. BG2012 - 15

(First Reading)

ORDINANCE RELATING TO BUDGET AMENDMENT

**ORDINANCE APPROVING AMENDMENT NUMBER THREE TO
THE CITY OF BOWLING GREEN, KENTUCKY ANNUAL
OPERATING BUDGET FOR FISCAL YEAR 2012**

Title and summary of Ordinance No. BG2012 - 15 was read by the Assistant City Manager/City Clerk. Motion was made by Hill and seconded by Nash for first reading of said Ordinance. DeFebbo reviewed the responsibility to manage the budget and the periodic need to amend the budget as the facts change. 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 - 15 was approved by unanimous vote.

REMOVE FROM TABLE

Motion was made by Hill and seconded by Waltrip to remove Ordinance No. BG2012 - 11 from the table for its second reading. With no discussion, a roll call vote was taken.

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

Motion to remove Ordinance No. BG2012 - 11 from the table for consideration at this time was approved by unanimous vote.

ORDINANCE NO. BG2012 - 11

(Second Reading)

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

ORDINANCE APPROVING AMENDED AND RESTATED LOCAL
PARTICIPATION AGREEMENT #3 AND AMENDED AND
RESTATED MASTER DEVELOPMENT AGREEMENT #2
RELATED TO THE WKU GATEWAY TO DOWNTOWN BOWLING
GREEN DEVELOPMENT AREA

Title and summary of Ordinance No. BG2012 - 11 was read by the Assistant City Manager/City Clerk. Motion was made by Nash and seconded by Waltrip for second reading of said Ordinance. Attorney David Lanphear, representing Downtown Redevelopment Authority, Inc. (DRA), gave a presentation to the Board pointing out the differences between the old (current) and new Master Development Agreement (MDA) with regard to its impact on the building at 601 State Street and on DRA. He alleged that the new MDA 1) allowed the Master Developer to avoid responsibility for renovating and leasing the building, 2) changed that responsibility to the Warren County Downtown Economic Development Authority, Inc. (Authority), and 3) called for the use of public funds instead of private investment. He also reviewed the differences in Exhibits F and G from the current language to the new language which omitted DRA and lead to this objection.

As Mr. Lanphear began to refer to the performance of the Master Development, Mayor Wilkerson asked that he limit his discussion to only those issues that related to DRA and to take up any issues regarding the performance of the Master Developer directly with the Authority. Mr. Lanphear moved on to explain the differences in the Master Developers Compensation Agreement as it related to 601 State Street and the City no longer having a hand in setting the development schedule under the new agreement. He also reviewed changes included in the Financing Plan (Exhibit J) and the removal of any firewall language.

Once he completed his presentation, Mr. Lanphear stated that DRA asked that the Ordinance be tabled to 1) find out why it was necessary to relieve the Master Developer of its contractual obligation; 2) find out why someone wanted the City to abdicate its ability to impose a development schedule; 3) find out why there was no firewall to protect the full faith and credit of the City from liability for this financing plan; and 4) allow DRA to negotiate with all interested parties to resolve their differences for the best interests of the community; or 5) to simply vote no and go back to the drawing board. He specified that DRA was very interested in downtown redevelopment and that the development of 601 State Street was an important cog to developing downtown.

Comm. Denning surmised that DRA's argument was with the Chapter 58 (Authority) regardless of what the City decided. He also noted that DRA had a right to go through the courts to get a decision. Mr. Lanphear agreed there was a legal option, but he did not understand how that would help anyone when responsible people should be able to work it out. He explained the goal was for DRA to come to the table to assist with continuing its mission and to become self-sufficient. He opined that DRA was a third party beneficiary to the agreement and again asked that the Ordinance be tabled to give the parties time to work out a resolution.

City Attorney Gene Harmon disagreed with Mr. Lanphear's statement that DRA was a third party to the agreement. He indicated that any questions the City had with the revisions to the agreement had already been resolved. Mr. Lanphear contended that the Board of Commissioners was now informed which was different from two weeks ago.

Attorney Jamie Cox, representing the Master Developer Alliance Corporation, stated that the original intent of the parties was reflected in the documents. However, she verified that there was a need to clarify issues with the financing following the economic changes in 2008. She concurred with Mr. Harmon that DRA was not a third party to the MDA. She asked that the Board approve the agreement and move forward with the TIF project.

Butch Hutcherson, a private developer, indicated he had been involved with the project since 2008 and as an outside developer, he liked the long-term plan that the TIF proposed. He recounted how he was led to DRA to assist with his proposed development project in the downtown, and the confusion about the role between all the parties. Mr. Hutcherson remarked that developers want to come to town, but they do not want to get caught up in the middle of the parties. He encouraged all parties to start working together. After a brief summary of the proposed development project – Heritage Green – for Block 4 of the TIF, Mr. Hutcherson said he would like to see more private developers come to downtown and he hoped that the issues could be resolved to everyone's benefit.

Comm. Waltrip had several questions, including whether or not the Master Developer had met all of its obligations under the agreement and the ability of the Master Developer to walk away from its obligations and for the Authority to pick them up. Mr. Harmon stated that the Authority had retained Alliance Corporation as the Master Developer and he was not aware of the Authority being dissatisfied with their work.

Authority Chairman Doug Gorman informed the Board there were two separate projects that recently came forward and included \$40 million in private development. He reminded the Board that it was the City that requested all of the agreements be updated. In addition, Mr. Gorman responded to questions about the goals of the Master Developer and that they had no intent of walking away. He also requested that the Board approve the ordinance and move forward.

Comm. Waltrip commented about having problems understanding how the project could have moved forward without an updated agreement. Mayor Wilkerson explained all the decisions having been made up to this point and the change in financing. Commissioners Denning and Nash agreed they clearly understood all the decisions and actions taken to date which were now reflected in the revised agreement. Comm. Denning recounted that he initially had concerns about where the TIF started out with WKU on the hill instead of in Block 6, but was comfortable with the other plans now. He surmised that if the TIF did not move forward and everything stopped, the City would be in a world of trouble.

At the request of Mayor Wilkerson, Mr. Gorman explained how the New Market Tax Credits were identified and that the Master Developer was personally on the hook for \$10 million which kept the TIF going when the economic conditions had changed. He declared that the TIF would have stalled a long time ago if they had to wait on the ability to issue TIF bonds as originally planned.

Comm. Waltrip expressed that with at least three of the Board members understanding and believing the assumptions were all the same, it meant a lot to him. He also agreed that it would benefit all parties involved if something positive could happen with 601 State Street and for all parties to move forward. Once the discussion ended, a roll call vote was taken.

ROLL CALL: Voting Yea: Hill, Nash, Waltrip, Denning and Wilkerson
 Voting Nay: None
Ordinance No. BG2012 - 11 was adopted by unanimous vote.

MUNICIPAL ORDER NO. 2012 - 86

MUNICIPAL ORDER OF THE CITY OF BOWLING GREEN, KENTUCKY APPROVING THE CITY'S SUBLEASE OF THE PARKING GARAGE CURRENTLY BEING COMPLETED IN BLOCK 6 OF THE WKU GATEWAY TO DOWNTOWN BOWLING GREEN TAX INCREMENT FINANCING DISTRICT (TIF), APPROVING THE PROPOSED PROJECT IN BLOCK 6 CONSISTING OF THE CONSTRUCTION OF A WRAP OF A PORTION OF THE PARKING GARAGE, APPROVING AMENDMENTS TO THE REVENUE SHARING AGREEMENT, AND AUTHORIZING THE EXECUTION OF ALL DOCUMENTS NECESSARY TO CARRY OUT THESE TRANSACTIONS

Summary of Municipal Order No. 2012 - 86 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 stated this item was discussed at the work session this afternoon and there was a general consensus to proceed with a vote. City Attorney Gene Harmon confirmed that the parking structure was open to the public, but there would be some leased space for the Ballpark, SKyPAC and tenants of the wrap. He also noted that another draft of the Subdeveloper Agreement had been provided based on the discussion during the work session.

Comm. Hill indicated that not only was it part of the City's obligation to recruit businesses, but to also retain them and be proud to have them stay. Comm. Waltrip echoed those remarks. However, he stated that he still believed it was not in the best interest of the City to risk our bond rating and to pass a Municipal Order with so many unknowns. He further stated that he did not want to risk the City having to pay more debt on the TIF other than for the Ballpark bonds. With no additional discussion, and with none, a roll call vote was taken.

ROLL CALL: Voting Yea: Hill, Nash, Denning and Wilkerson
 Voting Nay: Waltrip
Municipal Order No. 2012 - 86 was approved by majority vote.

CLOSED SESSION

Following a brief recess to clear the Commission Chamber, the Board of Commissioners met at approximately 8:50 p.m. in closed session pursuant to KRS 61.810 (1) (b) and (g) as previously approved.

RECONVENE IN OPEN SESSION

Once all discussion concluded in closed session, the Board of Commissioners reconvened in open session at approximately 9:00 p.m. to consider action. Motion was made by Denning and

seconded by Waltrip to add Municipal Order No. 2012 – 87 to the agenda for consideration. With no discussion, a roll call vote was taken.

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

Motion to add Municipal Order No. 2012 – 87 to the agenda was approved by unanimous vote.

MUNICIPAL ORDER NO. 2012 – 87

**MUNICIPAL ORDER OF THE CITY OF BOWLING GREEN,
KENTUCKY REQUESTING THAT THE KENTUCKY ECONOMIC
DEVELOPMENT FINANCE AUTHORITY PROVIDE ECONOMIC
DEVELOPMENT GRANT FUNDS FOR “PROJECT LUCKY”, AN
ECONOMIC DEVELOPMENT PROJECT TO LOCATE IN
BOWLING GREEN**

Summary of Municipal Order No. 2012 - 87 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 explained the City was approached by the Bowling Green Area Chamber of Commerce about participating in an incentive through the Kentucky Economic Development Finance Authority (KEDFA). Since there was no risk to the City and there was an opportunity to create new jobs, he recommended its 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

Municipal Order No. 2012 - 87 was approved by unanimous vote.

ADJOURNMENT

There being no further business to come before the Board of Commissioners, at approximately 9:05 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 report from the City Manager about City activities and accomplishments from 2006 to present; and 2) continued discussion of the Revenue Sharing Agreement related to the WKU Gateway to Downtown Bowling Green Development Area and the development project proposed for Block 6 of the TIF District.

(Minutes-Board of Commissioners-May 15, 2012)

ADOPTED: _____

APPROVED: _____
Mayor, Chairman of Board of Commissioners

ATTEST: _____
City Clerk

Minutes prepared by Assistant City Manager/City Clerk Katie Schaller