

**MINUTES of REGULAR MEETING
of the BOARD of COMMISSIONERS
of the CITY of BOWLING GREEN, KENTUCKY
held SEPTEMBER 15, 2009**

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 September 15, 2009. Mayor Elaine N. Walker called the meeting to order. An invocation was given by Police Chaplin and Associate Pastor at Christ United Methodist Church Mike Holian, 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 Catherine Hamilton, Commissioner Brian "Slim" Nash, Commissioner Bruce Wilkerson, Commissioner Joe W. Denning and Mayor Elaine N. Walker. Absent: none. There was a full quorum of the Board of Commissioners.

PUBLIC HEARING

City Engineer Jeff Lashlee conducted a public hearing for the purpose of reviewing the proposed use of the Municipal Aid Program (Liquid Fuel Tax) funds, Coal Severance and Processing Tax and the Mineral Severance Tax. He reported that the Fiscal Year 2010 Liquid Fuel Tax (LFT) projected revenues were \$940,000, including a transfer in from Coal-Mineral fund of \$50,000. He reviewed the projects proposed for Street Resurfacing 3.95 miles and Sidewalk, Curb & Gutter Rehabilitation of 1,475 linear feet at a total cost of \$950,000 from LFT. He further reported that the Fiscal Year 2010 Coal-Mineral Tax projected revenues were \$32,000, with \$50,000 being allocated to the Street Resurfacing Project. The projected ending fund balances were \$384,412 for LFT and \$48,437 for Coal-Mineral. There were no questions from the public.

AWARDS & RECOGNITIONS

Historic Preservation Planner Miranda Clements, filling in for Operation P.R.I.D.E. Executive Director Ray Lackey, announced the awards for improvements made to residential and non-residential property for the month of September. The residential award went to Mary Barris for her property located at 1645 Chestnut Street. The commercial award was presented to One Stop Bar B Que at 1143 Clay Street, owners Marvin and Sabrina Loving accepted the award.

Mayor Walker announced the second annual Mayor's Bike Ride was scheduled for Saturday, September 19th at Kereiakes Park, and she encouraged the community to come out and participate in the event.

CITY MANAGER

City Manager Kevin D. DeFebbo announced the retirement at the end of the month of Housing and Community Development Director Alice Burks. He thanked Ms. Burks for all her years of service to the City and her efforts in making many public improvements. Mr. DeFebbo wished Ms. Burks well. Mr. Burks thanked the City for the opportunity to serve the community and she remarked about the wonderful staff with whom she worked.

APPROVAL OF MINUTES

Minutes of Regular Meeting September 1, 2009

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

ROLL CALL: Voting Yea: Hamilton, Nash, Wilkerson, Denning and Walker
 Voting Nay: None

Motion to approve the minutes of the regular meeting of September 1, 2009 was approved by unanimous vote.

PUBLIC COMMENTS

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

ADD LATE FILE TO AGENDA

Commissioner Nash made a motion, seconded by Wilkerson, to add an ordinance at the end of the meeting regarding an amendment to the Interim Financing Agreement related to the WKU Gateway to Downtown Bowling Green Development Area (Ordinance No. BG2009 – 29), which was requested by the Warren County Downtown Economic Development Authority, Inc.

Mayor Walker voiced her concerns with being asked to add this item without having been given time to review the documents since they were just handed to the Board. Comm. Nash disagreed and indicated the information was discussed previously at the September 1st work session. Once discussion ended, a roll call vote was taken.

ROLL CALL: Voting Yea: Hamilton, Nash and Wilkerson
 Voting Nay: Denning and Walker

Motion to add Ordinance No. BG2009 – 29 for consideration at the end of the regular agenda was approved by majority vote.

REGULAR AGENDA

ORDINANCE NO. BG2009 – 25
(Second Reading)
ORDINANCE REZONING REAL ESTATE

ORDINANCE REZONING A TRACT OF LAND CONTAINING 0.202 ACRE FROM RM-4 (MULTI-FAMILY RESIDENTIAL) TO OP-R (OFFICE PROFESSIONAL-RESIDENTIAL) LOCATED AT 1035 KENTUCKY STREET, WITH BINDING ELEMENTS, PRESENTLY OWNED BY VICTOR J. IANNUZZI

Title and summary of Ordinance No. BG2009 - 25 was read by the Assistant City Manager/City Clerk. Motion was made by Wilkerson and seconded by Hamilton for second reading of said Ordinance. Mayor Walker asked for discussion, and with none, a roll call vote was taken.

ROLL CALL: Voting Yea: Hamilton, Nash, Wilkerson, Denning and Walker
 Voting Nay: None

Ordinance No. BG2009 - 25 was adopted by unanimous vote.

ORDINANCE NO. BG2009 - 26
(Second Reading)
ORDINANCE NAMING STREET

ORDINANCE APPROVING THE NAMING OF A NEW STREET
CONNECTING MT. VICTOR LANE AND LOVERS LANE TO
AVERY LANE

Title and summary of Ordinance No. BG2009 - 26 was read by the Assistant City Manager/City Clerk. Motion was made by Wilkerson and seconded by Hamilton for second reading of said Ordinance. Mayor Walker asked for discussion, and with none, a roll call vote was taken.

ROLL CALL: Voting Yea: Hamilton, Nash, Wilkerson, Denning and Walker
Voting Nay: None

Ordinance No. BG2009 - 26 was adopted by unanimous vote.

ORDINANCE NO. BG2009 - 27
(Second Reading)
ORDINANCE RELATING TO PROPERTY TAX RATES

ORDINANCE SETTING 2009 PROPERTY TAX RATES,
FRANCHISE TAX RATES AND IMPROVEMENT ASSESSMENT
RATES, AND SETTING FORTH GUIDELINES FOR PAYMENT,
PENALTY AND INTEREST

Title and summary of Ordinance No. BG2009 - 27 was read by the Assistant City Manager/City Clerk. Motion was made by Wilkerson and seconded by Hamilton for second reading of said Ordinance. Comm. Wilkerson made a motion, seconded by Hamilton, to amend Ordinance No. BG2009 - 27 to change the 2009 real estate property tax rate to the same rate as 2008. City Attorney Gene Harmon clarified the rate would be changed from \$0.212 to \$0.206. With no additional discussion, a roll call vote was taken on the amendment.

ROLL CALL: Voting Yea: Hamilton, Nash, Wilkerson, Denning and Walker
Voting Nay: None

Motion to amended Ordinance No. BG2009 - 27 to change the real estate property tax rate for 2009 from \$0.212 to \$0.206, which was the tax rate for 2008, was approved by unanimous vote.

There being no other discussion, a roll call vote was taken on the first reading of Ordinance No. BG2009 - 27 as amended.

ROLL CALL: Voting Yea: Hamilton, Nash, Wilkerson, Denning and Walker
Voting Nay: None

First Reading of Ordinance No. BG2009 - 27 as **amended** was approved by unanimous vote.

MUNICIPAL ORDER NO. 2009 - 187

**MUNICIPAL ORDER APPROVING THE APPOINTMENT OF
MATTHEW A. DILLINGER TO THE ADMINISTRATIVE APPEALS
BOARD**

Summary of Municipal Order No. 2009 – 187 was read by the Assistant City Manager/City Clerk. Motion was made by Wilkerson and seconded by Nash for consideration of said Municipal Order. Ms. Schaller responded to questions about the infrequency of meetings and when the board met last which was over a year ago. Mayor Walker asked for additional discussion, and with none, a roll call vote was taken.

ROLL CALL: Voting Yea: Hamilton, Nash, Wilkerson, Denning and Walker
 Voting Nay: None

Municipal Order No. 2009 - 187 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2009 – 188

**MUNICIPAL ORDER APPROVING THE REAPPOINTMENTS OF
CHUCK COATES AND PATSY SLOAN TO SERVE ON THE
WARREN COUNTY DOWNTOWN ECONOMIC DEVELOPMENT
AUTHORITY, INCORPORATED**

Summary of Municipal Order No. 2009 - 188 was read by the Assistant City Manager/City Clerk. Motion was made by Nash and seconded by Hamilton for consideration of said Municipal Order. Mayor Walker asked for discussion, and with none, a roll call vote was taken.

ROLL CALL: Voting Yea: Hamilton, Nash, Wilkerson, Denning and Walker
 Voting Nay: None

Municipal Order No. 2009 - 188 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2009 – 189

**MUNICIPAL ORDER AUTHORIZING AND ACCEPTING BID
#2010-07 FOR CONSTRUCTION OF THE LEE SQUARE PAVILION
FROM SUNBELT CONSTRUCTION, INC. OF BOWLING GREEN,
KENTUCKY IN THE AMOUNT OF \$58,220**

Summary of Municipal Order No. 2009 - 189 was read by the Assistant City Manager/City Clerk. Motion was made by Wilkerson and seconded by Hamilton for consideration of said Municipal Order. DeFebbo reviewed the bidding process and recommended the bid award which would be paid through an Enterprise Community grant. Mayor Walker asked for additional discussion, and with none, a roll call vote was taken.

ROLL CALL: Voting Yea: Hamilton, Nash, Wilkerson, Denning and Walker
 Voting Nay: None

Municipal Order No. 2009 - 189 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2009 – 190

MUNICIPAL ORDER AUTHORIZING AND ACCEPTING BID #2009-46 FOR NFPA 2007 EDITION SELF CONTAINED BREATHING APPARATUS FROM ORR SAFETY CORPORATION OF LOUISVILLE, KENTUCKY IN THE AMOUNT OF \$154,700

Summary of Municipal Order No. 2009 - 190 was read by the Assistant City Manager/City Clerk. Motion was made by Wilkerson and seconded by Denning for consideration of said Municipal Order. DeFebbo reviewed the bid for fire equipment and recommended approval of the purchase. Mayor Walker asked for additional discussion, and with none, a roll call vote was taken.

ROLL CALL: Voting Yea: Hamilton, Nash, Wilkerson, Denning and Walker
 Voting Nay: None

Municipal Order No. 2009 - 190 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2009 - 191

MUNICIPAL ORDER APPROVING A CONTRACT THROUGH NONCOMPETITIVE NEGOTIATIONS WITH CARDINAL OFFICE SYSTEMS OF BOWLING GREEN, KENTUCKY UNDER THE KENTUCKY STATE PRICING CONTRACT FOR THE PURCHASE OF FURNITURE FOR THE FIRE DEPARTMENT HEADQUARTERS BUILDING IN THE AMOUNT OF \$56,937.32

Summary of Municipal Order No. 2009 - 191 was read by the Assistant City Manager/City Clerk. Motion was made by Wilkerson and seconded by Denning for consideration of said Municipal Order. DeFebbo recommended the purchase of furnishings for the new Fire Department administration building. Mayor Walker asked for additional discussion, and with none, a roll call vote was taken.

ROLL CALL: Voting Yea: Hamilton, Nash, Wilkerson, Denning and Walker
 Voting Nay: None

Municipal Order No. 2009 - 191 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2009 - 192

MUNICIPAL ORDER AUTHORIZING AND DIRECTING THE MAYOR TO ENTER INTO GRANT AGREEMENTS FOR SELECT NEIGHBORHOOD ACTION PROGRAM (SNAP) GRANTS WITH VARIOUS NEIGHBORHOODS

Summary of Municipal Order No. 2009 - 192 was read by the Assistant City Manager/City Clerk. Motion was made by Nash and seconded by Hamilton for consideration of said Municipal Order. DeFebbo reviewed the direct grant program that would assist seven neighborhoods this year. He noted that five of the seven recommended for funding were first time recipients of SNAP grants. Neighborhood Action Coordinator Karen Foley recognized some of the applicants in attendance at the meeting. She also reviewed the application and evaluation process for the eleventh year of the program. Mayor Walker asked for additional discussion, and with none, a roll call vote was taken.

ROLL CALL: Voting Yea: Hamilton, Nash, Wilkerson, Denning and Walker
 Voting Nay: None

Municipal Order No. 2009 - 192 was approved by unanimous vote.

RESOLUTION NO. 2009 – 4

RESOLUTION SUPPORTING THE CANS FOR CASH RECYCLING
CHALLENGE IN THE MONTH OF OCTOBER 2009

Summary of Resolution No. 2009 - 4 was read by the Assistant City Manager/City Clerk. Motion was made by Wilkerson and seconded by Hamilton for consideration of said Resolution. Mayor Walker encouraged businesses and individuals to recycle and to participate in this program which benefits the local schools. Recycling Program Coordinator Ellie Adams, who is also with Bowling Green Technical College, outlined the “Drive to a Million” campaign and the challenge to see how many cans could be recycled in the month of October. Mayor Walker asked for additional discussion, and with none, a roll call vote was taken.

ROLL CALL: Voting Yea: Hamilton, Nash, Wilkerson, Denning and Walker
 Voting Nay: None

Resolution No. 2009 - 4 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2009 – 193

MUNICIPAL ORDER ASSUMING OWNERSHIP AND
MAINTENANCE RESPONSIBILITY FOR RIGHT-OF-WAY
IMPROVEMENTS AT MIDDLE BRIDGE ROAD AND LOVERS
LANE FROM THE COMMONWEALTH OF KENTUCKY
TRANSPORTATION CABINET

Summary of Municipal Order No. 2009 - 193 was read by the Assistant City Manager/City Clerk. Motion was made by Wilkerson and seconded by Hamilton for consideration of said Municipal Order. DeFebbo explained that with the recent improvements made to Lovers Lane, the state had requested the City take over a small piece of right-of-way at Middle Bridge Road. Mayor Walker asked for additional discussion, and with none, a roll call vote was taken.

ROLL CALL: Voting Yea: Hamilton, Nash, Wilkerson, Denning and Walker
 Voting Nay: None

Municipal Order No. 2009 - 193 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2009 – 194

MUNICIPAL ORDER APPROVING CONSTRUCTION AND
ACCEPTING MAINTENANCE OF KAWANISHI WAY IN THE
SOUTH INDUSTRIAL PARK DEVELOPMENT SUBDIVISION

Summary of Municipal Order No. 2009 - 194 was read by the Assistant City Manager/City Clerk. Motion was made by Wilkerson and seconded by Hamilton for consideration of said Municipal Order. DeFebbo recommended the acceptance of street maintenance in accordance with City policy. Mayor Walker asked for additional discussion, and with none, a roll call vote was taken.

ROLL CALL: Voting Yea: Hamilton, Nash, Wilkerson, Denning and Walker
 Voting Nay: None

Municipal Order No. 2009 - 194 was approved by unanimous vote.

ORDINANCE NO. BG2009 - 28
(First Reading)
ORDINANCE RELATING TO BUDGET AMENDMENT

ORDINANCE APPROVING AMENDMENT NUMBER ONE TO THE
CITY OF BOWLING GREEN, KENTUCKY ANNUAL OPERATING
BUDGET FOR FISCAL YEAR 2010

Title and summary of Ordinance No. BG2009 - 28 was read by the Assistant City Manager/City Clerk. Motion was made by Wilkerson and seconded by Nash for first reading of said Ordinance. DeFebbo indicated that the budget was a work in progress that periodically needed to be amended to reflect changes in revenues and/or expenditures. Mayor Walker asked for additional discussion, and with none, a roll call vote was taken.

ROLL CALL: Voting Yea: Hamilton, Nash, Wilkerson, Denning and Walker
Voting Nay: None

First reading of Ordinance No. BG2009 - 28 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2009 - 195

MUNICIPAL ORDER APPROVING A SUBSTANTIAL
AMENDMENT TO THE ANNUAL ACTION PLAN FOR YEARS 1
THROUGH 5 FOR THE COMMUNITY DEVELOPMENT BLOCK
GRANT ENTITLEMENT PROGRAM

Summary of Municipal Order No. 2009 - 195 was read by the Assistant City Manager/City Clerk. Motion was made by Hamilton and seconded by Wilkerson for consideration of said Municipal Order. DeFebbo reviewed the Department of Housing and Urban Development's (HUD) requirements to seek approval for changes to the Plan. He pointed out that leftover monies from completed projects would be redirected to the Homeowner Rehabilitation Program as previously reported at the September 1st public hearing on the subject. Mayor Walker asked for additional discussion, and with none, a roll call vote was taken.

ROLL CALL: Voting Yea: Hamilton, Nash, Wilkerson, Denning and Walker
Voting Nay: None

Municipal Order No. 2009 - 195 was approved by unanimous vote.

ORDINANCE NO. BG2009 - 29
(First Reading)
ORDINANCE AUTHORIZING THE EXECUTION OF AMENDMENT #1 TO INTERIM
FINANCING AGREEMENT

ORDINANCE AUTHORIZING THE EXECUTION BY THE CITY OF
AMENDMENT #1 TO INTERIM FINANCING AGREEMENT
AMONG THE CITY, THE COUNTY OF WARREN, KENTUCKY,
BOWLING GREEN SPE, INC., THE WARREN COUNTY
DOWNTOWN ECONOMIC DEVELOPMENT AUTHORITY, INC.
AND WESTERN KENTUCKY UNIVERSITY, PREVIOUSLY
APPROVED BY ORDINANCE NO. BG2009-5 TO PROVIDE FOR
CERTAIN TEMPORARY MODIFICATIONS TO THE FINANCING

PLAN ESTABLISHED BETWEEN SUCH ENTITIES FOR PROJECTS
TO BE CONSTRUCTED IN THE WKU GATEWAY TO
DOWNTOWN BOWLING GREEN DEVELOPMENT AREA

Title and summary of Ordinance No. BG2009 - 29 was read by the Assistant City Manager/City Clerk. Motion was made by Hamilton and seconded by Wilkerson for first reading of said Ordinance. Alberta Smith, a Bowling Green resident, expressed concerns that she was not sure what was being voted on by the Board. She disagreed with the amendment to move the parking garage away from downtown and believed the issue should be put to a vote of the citizens and not just to a small group. Mayor Walker commented about a lack of citizen input permitted with the short notice of adding the item on to tonight's agenda.

Commissioner Nash remarked that an ordinance takes two readings and that citizens will have an opportunity to comment before the second and final reading of the ordinance. Comm. Wilkerson indicated he agreed with supporting the addition of the item on the agenda since language regarding consideration of Western Kentucky University (WKU) base revenues was removed from this version of the agreement.

Mayor Walker disapproved of the lack of opportunity to review the ordinance materials before considering a vote on the issue. Comm. Denning stated he was opposed to the late-file. He expressed concern that if the parking garage was moved to WKU's campus than that would be the end of any further development in downtown. He surmised that a parking structure built in Block 12 would be a parking structure for WKU campus and not for the City. He further stated that he hoped he was wrong, but that was the way he felt.

In light of the addition of the late-filed item, Mayor Walker stated that the City owed it to the citizens to protect their revenue source. She made a motion, seconded by Denning, to amend Ordinance No. BG2009 - 29 to incorporate the base projects and base calculations as presented by City staff at the work session to be a part of the interlocal (Interim Financing) agreement. She further explained that if this ordinance goes forward, she believed that the Board needed to accept the recommendation from staff that only additional jobs created would be considered as incremental revenue inside the TIF (Tax Increment Financing) district. Comm. Wilkerson stated he would be inclined to agree with Mayor Walker; however, he thought it was premature to include that policy language at this time since the Board had already agreed to allow Warren County Downtown Economic Development Authority, Inc. (Authority) time to review it prior to consideration at the next meeting. Following the discussion, a roll call vote was taken on the amendment.

ROLL CALL: Voting Yea: Denning and Walker
 Voting Nay: Hamilton, Nash and Wilkerson

Motion to amend Ordinance No. BG2009 - 29 to incorporate the base revenue projection and calculation policy developed by City staff into the Interim Financing Agreement was defeated by majority vote.

Mayor Walker recalled that she supported the TIF plan based on information presented that provided a very aggressive and extensive redevelopment plan for downtown, including a mixed use redevelopment plan for Block 12. She specified that the mixed use development previously proposed in Block 12 included more private investment which was projected to bring in over \$1.8 million dollars of revenue producing opportunities. Mayor Walker indicated she was concerned that this new development plan would only generate about \$400,000 and that Block 6 would lie fallow with no

revenue producing sources. With much of the investment from public funds, she voiced skepticism that the \$170 million in development projects now being proposed will generate sufficient revenues to payback the initial bond investment, any other funding (interim financing) or come close to paying back the City's \$25 million investment. Mayor Walker also expressed her disappointment with not being provided adequate documentation to support these new proposals or being provided a plan of action that would help to bring in private investment. She further expressed frustration with a proposal that simply moved taxpayers' money around instead of bringing in new investment. Mayor Walker concluded her comments by stating that she could not and would not support this ordinance. With no further discussion, a roll call vote was taken.

ROLL CALL: Voting Yea: Hamilton, Nash and Wilkerson
 Voting Nay: Denning and Walker

First reading of Ordinance No. BG2009 - 29 was approved by majority vote.

ADJOURNMENT

Once all discussion concluded and there being no further business to come before the Board of Commissioners, at approximately 7:50 p.m., Mayor Walker 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 a proposed amendment drafted by the Tax Increment Financing (TIF) Authority to the Interim Financing Agreement and a proposed base revenue policy for the TIF District drafted by City staff.

ADOPTED: _____

APPROVED: _____
 Mayor, Chairman of Board of Commissioners

ATTEST: _____
 City Clerk

Minutes prepared by Assistant City Manager/City Clerk Katie Schaller