

**MINUTES of REGULAR MEETING
of the BOARD of COMMISSIONERS
of the CITY of BOWLING GREEN, KENTUCKY
held DECEMBER 1, 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 December 1, 2009. Mayor Elaine N. Walker called the meeting to order. An invocation was given by Mayor Walker, 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 Bruce Wilkerson, Commissioner Joe W. Denning, Commissioner Catherine Hamilton and Mayor Elaine N. Walker. Absent: none. There was a full quorum of the Board of Commissioners.

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; discussion of proposed litigation on behalf of the City; and discussion concerning a specific proposal as open discussions would jeopardize the siting, retention, expansion or upgrading of the business. Motion was made by Wilkerson and seconded by Nash to convene in closed session following the regular meeting pursuant to KRS 61.810 (b), (c) and (g). Walker called for roll call vote.

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

Motion to convene in closed session pursuant to KRS 61.810 (b), (c) and (g) was approved by unanimous vote.

Mr. DeFebbo stated that item number 1 (second reading of Ordinance No. BG2009 – 32) regarding the rezoning of property located at 401 Emmett Avenue was once again withdrawn from the agenda by request of the property owner.

APPROVAL OF MINUTES

Minutes of Regular Meeting November 17, 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 Hamilton to approve said minutes as written. Mayor Walker asked for discussion, and with none, a roll call vote was taken.

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

Motion to approve the minutes of the regular meeting of November 17, 2009 was approved by unanimous vote.

PUBLIC COMMENTS

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

REGULAR AGENDA

NOTE: Second reading of Ordinance No. BG2009 - 32 was previously withdrawn from the agenda by the City Manager.

ORDINANCE NO. BG2009 - 34

(Second Reading)

ORDINANCE AMENDING CODE OF ORDINANCES

ORDINANCE AMENDING CHAPTER 3 (AIRPORT REGULATIONS) OF THE CITY OF BOWLING GREEN CODE OF ORDINANCES TO MAKE REVISIONS REQUESTED BY THE BOWLING GREEN-WARREN COUNTY REGIONAL AIRPORT BOARD

Title and summary of Ordinance No. BG2009 - 34 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: Nash, Wilkerson, Denning, Hamilton and Walker
Voting Nay: None

Ordinance No. BG2009 - 34 was adopted by unanimous vote.

ORDINANCE NO. BG2009 - 35

(First Reading)

ORDINANCE RELATING TO CLASSIFICATION/PAY SCHEDULE

ORDINANCE AMENDING THE CLASSIFICATION/PAY SCHEDULE "G" FOR GENERAL CLASSIFIED EMPLOYEES OF THE CITY OF BOWLING GREEN FOR FISCAL YEAR 2010

Title and summary of Ordinance No. BG2009 - 35 was read by the Assistant City Manager/City Clerk. Motion was made by Hamilton and seconded by Denning for first reading of said Ordinance. In light of the recent retirement of Housing Manager Vallory Schocke, upcoming retirement of Grants Manager Lisa Ryan and the end of the Enterprise Community program, Mr. DeFebbo reviewed his recommendation to reorganize the Housing and Grants divisions of the Housing and Community Development (HCD) Department. He explained his strategy to reduce managerial level positions and overall staffing as well as reduce costs to the General Fund and maximize utilization of other revenue resources for some administrative costs. In addition, he noted another small cleanup to the schedule which related to a previously completed move of a position from the Police Department to the Information Technology Department.

Comm. Wilkerson stated he supported exactly what the City Manager was trying to do. However, he disagreed with taking action at this time until the entire reorganization plan for the HCD Department was laid out. Comm. Wilkerson preferred not to piecemeal the changes together and requested further discussion at the Board's upcoming Strategic Planning Session.

Mr. DeFebbo acknowledged that he planned to present a complete discussion of his recommended changes for the entire department at the Strategic Planning Session. However, he urged

the Board to move forward with his current recommendation now based on an immediate need to continue servicing the Section 8 Voucher Program without interruption.

Mayor Walker commended the City Manager for his efforts to fill in as the interim HCD Director following the retirement of Alice Burks a couple months earlier. She also acknowledged Mr. DeFebbo's past successes with combining a number of other positions and liked the idea to use the administrative fees from the Section 8 Program.

Mayor Walker asked for additional discussion, and Comm. Wilkerson made a motion to table Ordinance No. BG2009 – 35 until after further discussion of all the changes to be recommended by the City Manager were presented to the Board. There was no second to the motion to table. With no further discussion, a roll call vote was taken on the first reading of the ordinance as presented.

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

First reading of Ordinance No. BG2009 - 35 was approved by majority vote.

In reference to documents provided regarding changes being made in the HCD Department, there was discussion to include the actual individuals names, for those that have recently retired, in official documentation when the positions they vacated were being filled. Comm. Denning suggested he would like to see the actual name of the retiree, and not just a reference in the back up documentation to a recent retirement, be included in the official record. Mayor Walker suggested that a list of retirees could be presented each month for special recognition during the Board of Commissioners meetings. Mr. DeFebbo agreed that something different could be done to recognize the retirees in the official documentation.

MUNICIPAL ORDER NO. 2009 – 237

MUNICIPAL ORDER APPROVING THE RECLASSIFICATIONS OF ELVIRA R. RAMIC TO THE POSITION OF HOUSING COORDINATOR AND ANITA C. DAVIS TO THE POSITION OF HOUSING RECERTIFICATION SPECIALIST IN THE HOUSING AND COMMUNITY DEVELOPMENT DEPARTMENT

Summary of Municipal Order No. 2009 - 237 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 previously recommended the two reclassifications as part of the prior discussion of Ordinance No. BG2009 – 35. Mayor Walker asked for additional discussion, and with none, a roll call vote was taken.

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

Municipal Order No. 2009 - 237 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2009 – 238

MUNICIPAL ORDER APPROVING THE REAPPOINTMENT OF PEARL TAYLOR TO THE OPERATION P.R.I.D.E., INC. BOARD OF DIRECTORS

Summary of Municipal Order No. 2009 - 238 was read by the Assistant City Manager/City Clerk. Motion was made by Nash and seconded by Denning for consideration of said Municipal Order. Mayor Walker recommended the reappointment. Comm. Nash stated he had no issue with this reappointment, but asked for attendance record information to be included in the backup documentation and that agencies be reminded of this requirement when requesting reappointments. With no further discussion, a roll call vote was taken.

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

Municipal Order No. 2009 - 238 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2009 – 239

**MUNICIPAL ORDER APPROVING THE APPOINTMENTS OF
BRETT HIGHTOWER AND LISA HENDERSON TO THE BOWLING
GREEN-WARREN COUNTY MILITARY LIAISON BOARD**

Summary of Municipal Order No. 2009 - 239 was read by the Assistant City Manager/City Clerk. Motion was made by Wilkerson and seconded by Nash for consideration of said Municipal Order. Mayor Walker recommended the two appointments. She asked for discussion, and with none, a roll call vote was taken.

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

Municipal Order No. 2009 - 239 was approved by unanimous vote.

ORDINANCE NO. BG2009 – 36

(First Reading)

ORDINANCE REZONING REAL ESTATE

**ORDINANCE REZONING A TRACT OF LAND CONTAINING 3.99
ACRES FROM AG (AGRICULTURE), RM-3 (MULTI-FAMILY
RESIDENTIAL) AND HB (HIGHWAY BUSINESS) TO HB
(HIGHWAY BUSINESS) LOCATED ON ORANGE COURT, WITH
BINDING ELEMENTS, PRESENTLY OWNED BY SPICKARD
REAL ESTATE HOLDINGS, LLC**

Title and summary of Ordinance No. BG2009 - 36 was read by the Assistant City Manager/City Clerk. Motion was made by Wilkerson and seconded by Hamilton for first reading of said Ordinance. City-County Planning Commission Director Steve Hunter provided an overview of the recommended rezoning and associated binding elements. He also noted that the property owner had agreed to file a plat which reserved right-of-way for a future roadway to connect to Cumberland Trace. Mayor Walker asked for additional discussion, and with none, a roll call vote was taken.

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

First reading of Ordinance No. BG2009 - 36 was approved by unanimous vote. There was also some discussion about traffic studies and at what point such a study was required.

MUNICIPAL ORDER NO. 2009 – 240

MUNICIPAL ORDER APPROVING A KENTUCKY INFRASTRUCTURE AUTHORITY (KIA) FEDERALLY ASSISTED WASTEWATER REVOLVING LOAN FUND INCREASE IN THE AMOUNT OF \$8,428,680 TO AN EXISTING KIA LOAN FOR RENOVATIONS AND EXPANSION OF THE WASTEWATER TREATMENT PLANT

Summary of Municipal Order No. 2009 - 240 was read by the Assistant City Manager/City Clerk. Motion was made by Nash and seconded by Wilkerson for consideration of said Municipal Order. DeFebbo reviewed the request by Bowling Green Municipal Utilities (BGMU) for approval of additional loan funding to address Biosolids treatment capacity as part of the improvements being made at the Wastewater Treatment Plant. Mayor Walker asked for additional discussion, and with none, a roll call vote was taken.

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

Municipal Order No. 2009 - 240 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2009 – 241

MUNICIPAL ORDER APPROVING PROPERTY DEVELOPMENT AGREEMENT BETWEEN THE CITY OF BOWLING GREEN AND SOUTHERN KENTUCKY PERFORMING ARTS CENTER, INC. (SKyPAC)

Summary of Municipal Order No. 2009 - 241 was read by the Assistant City Manager/City Clerk. Motion was made by Denning and seconded by Hamilton for consideration of said Municipal Order. DeFebbo reiterated that this item was discussed during the work session. City Attorney Gene Harmon outlined the major points of the agreement which would allow SKyPAC to move forward with obtaining building permits and updating the parking arrangements with Bowling Green SPE, Inc. Mr. Harmon responded to questions regarding ownership of the SKyPAC property and stated that the City had obtained possession of all properties needed for the development and would transfer ownership to SKyPAC in the next 60 to 90 days.

In response to a question from Comm. Nash about some existing structures remaining, SKyPAC Executive Director Mary Carpenter indicated that once SKyPAC was deeded all the property it would lease the building formerly known as Peoples Hardware to a non-profit organization called ArtWorks. She commented that ArtWorks had plans to renovate the building. Comm. Nash expressed displeasure that nothing was being done with the dilapidated and blighted structures to date on the corner of College Street and 7th Avenue. City Attorney Gene Harmon explained that in a previously approved agreement with SKyPAC, the City agreed not to demolish the structures at 631, 633 and 637 College Street. He noted that due to concerns by the City about damaging the Peoples Hardware building with demolishing only a portion of the structures next to (or connected with) Peoples Hardware, SKyPAC would be responsible for demolition of the other structures to be reimbursed up to \$12,000 from the City.

There was also discussion regarding whether or not a requirement for a Section 106 review (related to historic preservation) was necessary for properties contained in the downtown TIF District since some of the properties in the development area were purchased with federal funds. Mayor

Walker stated that a preliminary statement was received from the Kentucky Heritage Council which indicated a Section 106 review may be applicable. Mr. Harmon noted he did not believe that the City had received any final documentation to that effect.

Comm. Nash inquired if ArtWorks had financial means available to start renovation immediately. Ms. Carpenter said she did not know, but that the property had not been leased yet since the transition of ownership from the City to SKyPAC had not been finalized. Comm. Nash stated that if ArtWorks did not have the financial means, then he would like to readdress the demolition of the properties.

Once all discussion ended, a roll call vote was taken.

ROLL CALL: Voting Yea: Nash, Wilkerson, Denning, Hamilton and Walker
Voting Nay: None
Municipal Order No. 2009 - 241 was approved by unanimous 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 (b), (c) and (g) as previously approved. Mr. DeFebbo indicated that action by the Board of Commissioners was anticipated to follow the closed session.

RECONVENE IN OPEN SESSION

Once all discussion concluded in closed session, the Board of Commissioners reconvened in open session at approximately 8:10 p.m. to consider action. Motion was made by Hamilton and seconded by Wilkerson to add Municipal Order No. 2009 - 242 to the agenda for consideration. With no discussion, a roll call vote was taken.

ROLL CALL: Voting Yea: Nash, Wilkerson, Denning, Hamilton and Walker
Voting Nay: None
Motion to add Municipal Order No. 2009 - 242 to the agenda was approved by unanimous vote.

MUNICIPAL ORDER NO. 2009 - 242

MUNICIPAL ORDER APPROVING A JOB DEVELOPMENT INCENTIVE FUND EMPLOYEE WITHHOLDINGS CREDIT AGREEMENT WITH US BANK

Summary of Municipal Order No. 2009 - 242 was read by the Assistant City Manager/City Clerk. Motion was made by Wilkerson and seconded by Hamilton for consideration of said Municipal Order. Mayor Walker asked for additional discussion, and with none, a roll call vote was taken.

ROLL CALL: Voting Yea: Nash, Wilkerson, Denning, Hamilton and Walker
Voting Nay: None
Municipal Order No. 2009 - 242 was approved by unanimous vote.

ADJOURNMENT

There being no further business to come before the Board of Commissioners, at approximately 8:15 p.m., Mayor Walker declared this meeting adjourned.

WORK SESSION

Prior to the regular meeting and with no action taken, the Board of Commissioners excluding Comm. Nash, 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 presentation by Barren River Area Development District (BRADD) regarding the Energy Efficiency and Conservation Block Grant (EECBG) Program guidelines for rethinking transportation (ride-share) program, homeowner retrofit (mini-grants) program, and private/non-profit retrofit (financial incentive projects) program; 2) Insight Communication's cable franchise in Bowling Green and Warren County and the renewal process; and 3) a proposed property development agreement with Southern Kentucky Performing Arts Center, Inc. (SKyPAC).

ADOPTED: _____

APPROVED: _____
Mayor, Chairman of Board of Commissioners

ATTEST: _____
City Clerk

Minutes prepared by Assistant City Manager/City Clerk Katie Schaller