

**MINUTES of REGULAR MEETING
of the BOARD of COMMISSIONERS
of the CITY of BOWLING GREEN, KENTUCKY
held JULY 2, 2013**

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 July 2, 2013. Mayor Bruce Wilkerson called the meeting to order. An invocation was given by Commissioner Melinda M. Hill, 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 Rick Williams, Commissioner Joe W. Denning, Commissioner Melinda M. Hill, Commissioner Bill Waltrip and Mayor Bruce Wilkerson. Absent: none. There was a full quorum of the Board of Commissioners.

AWARDS & RECOGNITIONS

City Manager Kevin D. DeFebbo announced the City received the Certificate of Achievement for Excellence from the Government Finance Officers Association (GFOA) for the Fiscal Year 2012 Comprehensive Annual Financial Report (CAFR). He congratulated Chief Financial Officer Jeff Meisel and the Finance Department staff for their efforts with achieving this recognition and award.

CITY MANAGER

Mr. DeFebbo requested a closed session for the purpose of discussion on the sale of real property by the City as publicity would likely affect the value of the specific piece of property to be sold, and for discussion of pending litigation against the City. Motion was made by Waltrip and seconded by Williams to convene in closed session following the regular meeting pursuant to KRS 61.810 (1) (b) and (c). Mayor Wilkerson called for roll call vote.

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

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

APPROVAL OF MINUTES

Minutes of Regular Meeting June 18, 2013

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: Williams, Denning, Hill, Waltrip and Wilkerson
 Voting Nay: None

Motion to approve the minutes of the regular meeting of June 18, 2013 was approved by unanimous vote.

PUBLIC COMMENTS

Since there were no public comments at this time, Mayor Wilkerson took the opportunity to remind everyone about the upcoming 4th of July celebration and the requirements under the City's fireworks ordinance which regulates the dates, times and distance for fireworks to be discharged. He also requested that people be courteous to their neighbors.

REGULAR AGENDA

ORDINANCE NO. BG2013 - 16

(Second Reading)

ORDINANCE REZONING REAL ESTATE

ORDINANCE REZONING A TRACT OF LAND CONTAINING 8,972 SQUARE FEET FROM NB (NEIGHBORHOOD BUSINESS) TO GB (GENERAL BUSINESS) LOCATED AT 745 OLD MORGANTOWN ROAD, PRESENTLY OWNED BY DOUBLE D RENTALS, INC. C/O DAVID DYMACEK WITH ELIZABETH VALADEZ AND JOSE VALDIVIA AS CONTRACT VENDEES, AND TO BE LEASED TO DOUGLAS LOPEZ

Title and summary of Ordinance No. BG2013 - 16 was read by the Assistant City Manager/City Clerk. Motion was made by Denning 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: Williams, Denning, Hill, Waltrip and Wilkerson
 Voting Nay: None

Ordinance No. BG2013 - 16 was adopted by unanimous vote.

ORDINANCE NO. BG2013 - 17

(Second Reading)

ORDINANCE REZONING REAL ESTATE

ORDINANCE REZONING A TRACT OF LAND CONTAINING 3.38 ACRES FROM AG (AGRICULTURE) AND HI (HEAVY INDUSTRIAL) TO PUD (PLANNED UNIT DEVELOPMENT) LOCATED AT 1347 KENTUCKY HIGHWAY 185, PRESENTLY OWNED BY DAVID B. GARVIN

Title and summary of Ordinance No. BG2013 - 17 was read by the Assistant City Manager/City Clerk. Motion was made by Waltrip 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: Williams, Denning, Hill, Waltrip and Wilkerson
 Voting Nay: None

Ordinance No. BG2013 - 17 was adopted by unanimous vote.

MUNICIPAL ORDER NO. 2013 - 103

MUNICIPAL ORDER APPROVING THE CAREER PATH
ADVANCEMENT OF CARY G. WATT TO THE POSITION OF
OPERATIONS TECHNICIAN I IN THE PUBLIC WORKS
DEPARTMENT

Summary of Municipal Order No. 2013 - 103 was read by the Assistant City Manager/City Clerk. Motion was made by Waltrip and seconded by Hill for consideration of said Municipal Order. DeFebbo reviewed the career path program previously established and the requisite requirements to advance. Since Mr. Watt met the qualifications, he recommended the promotion. Mayor Wilkerson asked for additional discussion, and with none, a roll call vote was taken.

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

Municipal Order No. 2013 - 103 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2013 - 104

MUNICIPAL ORDER APPROVING THE REAPPOINTMENT OF
RONALD D. RAMSING TO THE BOARD OF PARK
COMMISSIONERS

Summary of Municipal Order No. 2013 - 104 was read by the Assistant City Manager/City Clerk. Motion was made by Waltrip and seconded by Hill for consideration of said Municipal Order. Mayor Wilkerson noted that this was a reappointment and provided representation from Western Kentucky University. With no other discussion, a roll call vote was taken.

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

Municipal Order No. 2013 - 104 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2013 - 105

MUNICIPAL ORDER AUTHORIZING THE SUBMISSION OF A
GRANT APPLICATION TO THE U.S. DEPARTMENT OF JUSTICE,
BUREAU OF JUSTICE ASSISTANCE, OFFICE OF JUSTICE
PROGRAMS FOR FISCAL YEAR 2013 EDWARD BYRNE
MEMORIAL JUSTICE ASSISTANCE GRANT (JAG) FUNDS IN THE
AMOUNT OF \$26,052

Summary of Municipal Order No. 2013 - 105 was read by the Assistant City Manager/City Clerk. Motion was made by Denning and seconded by Williams for consideration of said Municipal Order. DeFebbo indicated this grant would be split 50/50 with Warren County if awarded and it did not require a local match. He also stated that the City would use its share to purchase in-car cameras for Police vehicles. Mayor Wilkerson asked for additional discussion, and with none, a roll call vote was taken.

ROLL CALL: Voting Yea: Williams, Denning, Hill, Waltrip and Wilkerson
 Voting Nay: None
Municipal Order No. 2013 - 105 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2013 – 106

MUNICIPAL ORDER AUTHORIZING AGREEMENTS BETWEEN
THE CITY OF BOWLING GREEN AND EACH OF THE TEN (10)
APPROVED SUBRECIPIENTS FOR YEAR 10 COMMUNITY
DEVELOPMENT BLOCK GRANT PROGRAM FUNDING

Summary of Municipal Order No. 2013 - 106 was read by the Assistant City Manager/City Clerk. Motion was made by Williams and seconded by Hill for consideration of said Municipal Order. DeFebbo stated this was the tenth year as an entitlement community and the City was expected to received approximately \$577,000 to be allocated among selected public agencies. He also recounted that a public hearing had previously been held which identified the recommended allocations and was vetted during the budget process. Mayor Wilkerson asked for additional discussion, and with none, a roll call vote was taken.

ROLL CALL: Voting Yea: Williams, Denning, Hill, Waltrip and Wilkerson
 Voting Nay: None
Municipal Order No. 2013 - 106 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2013 – 107

MUNICIPAL ORDER DESIGNATING AND AUTHORIZING CITY
OFFICIALS TO EXECUTE CHECKS AND TO OPEN NEW
INVESTMENT ACCOUNTS ON BEHALF OF THE CITY OF
BOWLING GREEN

Summary of Municipal Order No. 2013 - 107 was read by the Assistant City Manager/City Clerk. Motion was made by Denning and seconded by Hill for consideration of said Municipal Order. As the City seeks to run a transparent public corporation, DeFebbo reported that two signatures are required to sign off on new investment accounts and to execute checks. He confirmed the Chief Financial Officer and Assistant City Manager/City Clerk would be the primary signatories, with the City Manager being a backup on the accounts. Chief Financial Officer Jeff Meisel specified that it would still require Board of Commissioners' approval to open any new checking accounts as established by policy. He further noted that this action cleaned up the ability to open new investment accounts and have the designated signatory authority established in writing. Mayor Wilkerson asked for additional discussion, and with none, a roll call vote was taken.

ROLL CALL: Voting Yea: Williams, Denning, Hill, Waltrip and Wilkerson
 Voting Nay: None
Municipal Order No. 2013 - 107 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2013 – 108

MUNICIPAL ORDER APPROVING ISSUANCE OF AN
ADDITIONAL \$5,000,000 IN INDUSTRIAL DEVELOPMENT

REVENUE BONDS BY WARREN COUNTY TO SUPPORT THE COMPLETION OF THE BLOCK 6 WRAP IN THE WKU GATEWAY TO DOWNTOWN BOWLING GREEN TAX INCREMENT FINANCING DEVELOPMENT AREA, APPROVING USE OF A PORTION OF THE LEASE REVENUES COLLECTED FROM WRAP TENANTS TO FUND COSTS ASSOCIATED WITH THE OPERATION AND MANAGEMENT OF THE BLOCK 6 WRAP, AND APPROVING AMENDMENTS TO VARIOUS AGREEMENTS TO REFLECT THESE CHANGES

Summary of Municipal Order No. 2013 - 108 was read by the Assistant City Manager/City Clerk. Motion was made by Williams and seconded by Hill for consideration of said Municipal Order. DeFebbo recounted that this item was discussed in much detail during the earlier work session. Mayor Wilkerson indicated that as part of that discussion, the Board of Commissioners agreed to bring forth future changes that would attempt to recuperate interest on any funds the City might be required to payout if revenues designated to pay the debt service on the bonds are insufficient. With no other discussion, a roll call vote was taken.

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

Municipal Order No. 2013 - 108 was approved by majority vote.

Prior to consideration of Ordinance Nos. BG2013 - 18 and BG2013 - 19, Mayor Wilkerson excused himself from the discussion and temporarily stepped down as Presiding Officer of the Board of Commissioners since he was employed by the applicant and testified on behalf of Sheldon Family, LLC at the Planning Commission's public hearings. Mayor Pro Tem Melinda Hill presided over the following two items for consideration.

ORDINANCE NO. BG2013 - 18
(First Reading)
ORDINANCE REZONING REAL ESTATE

ORDINANCE REZONING TRACTS OF LAND CONTAINING 7.94 ACRES FROM RM-2 (MULTI-FAMILY RESIDENTIAL), GB (GENERAL BUSINESS) AND LI (LIGHT INDUSTRIAL) TO PUD (PLANNED UNIT DEVELOPMENT) LOCATED AT 843, 859 AND 861 FAIRVIEW AVENUE, PRESENTLY OWNED BY SHELDON FAMILY, LLC

Title and summary of Ordinance No. BG2013 - 18 was read by the Assistant City Manager/City Clerk. Motion was made by Waltrip and seconded by Denning for first reading of said Ordinance. Mayor Pro Tem Hill asked for discussion, and with none, a roll call vote was taken.

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

First reading of Ordinance No. BG2013 - 18 was approved by unanimous vote.

ORDINANCE NO. BG2013 - 19
(First Reading)
ORDINANCE CLOSING A PUBLIC RIGHT-OF-WAY

ORDINANCE APPROVING THE CLOSING OF GRIDER ALLEY
LOCATED OFF FAIRVIEW AVENUE

Title and summary of Ordinance No. BG2013 - 19 was read by the Assistant City Manager/City Clerk. Motion was made by Denning and seconded by Williams for first reading of said Ordinance. Mayor Pro Tem Hill asked for discussion, and with none, a roll call vote was taken.

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

First reading of Ordinance No. BG2013 - 19 was approved by unanimous vote. Following the vote, Mayor Wilkerson returned to resume his duties as Presiding Officer of the Board of Commissioners.

CLOSED SESSION

Following a brief recess to clear the Commission Chamber, the Board of Commissioners met at approximately 7:15 p.m. in closed session pursuant to KRS 61.810 (1) (b) and (c) as previously approved. Mr. DeFebbo confirmed that no action was expected to 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 7:35 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) amendments to agreements related to the Garage Wrap currently under construction in Block 6 of the Downtown Tax Increment Financing (TIF) District; 2) Briarwood Elementary School Connector Project and agreement with Warren County Board of Education; 3) WKU Community Bikeway Project update and the proposed use of Heritage Trail for a portion of the designated pathway; and 4) proposed amendments to the City of Bowling Green Code of Ordinances related to the placement of clothing and personal property donation bins/boxes in designated commercial areas only, and to be permanently attached to the principle building on the lot.

During the Block 6 Wrap discussion, Comm. Waltrip suggested that the City should draw interest on anything that might have to be paid back by the Subdeveloper, Mills Family Realty, if they choose to take ownership of the building after the bonds are retired. There was consensus voiced by the Board of Commissioners to pursue future amendments to the appropriate agreements for the City to recoup its costs with the establishment of an interest rate on any funds paid out by the City on the debt service of the bond issue.

ADOPTED: _____

APPROVED: _____
Mayor, Chairman of Board of Commissioners

ATTEST: _____
City Clerk

Minutes prepared by Assistant City Manager/City Clerk Katie Schaller