

**MINUTES of REGULAR MEETING  
of the BOARD of COMMISSIONERS  
of the CITY of BOWLING GREEN, KENTUCKY  
held FEBRUARY 3, 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 February 3, 2009. Mayor Elaine N. Walker called the meeting to order. An invocation was given by Elder Pat Stewart of Greenwood Church of Christ, 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 Joe W. Denning, Commissioner Catherine Hamilton, Commissioner Brian "Slim" Nash, Commissioner Bruce Wilkerson and Mayor Elaine N. Walker. Absent: none. There was a full quorum of the Board of Commissioners.

**CITY MANAGER**

City Manager Kevin D. DeFebbo had no comments at this time.

**APPROVAL OF MINUTES**

Minutes of Regular Meeting January 20, 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:   Denning, Hamilton, Nash, Wilkerson and Walker  
                          Voting Nay:   None

Motion to approve the minutes of the regular meeting of January 20, 2009 was approved by unanimous vote.

**PUBLIC COMMENTS**

Henry Thompson of 1213 Shawnee Way thanked the Public Works staff for correcting a bad hazard out Riverview Road.

**CONSENT AGENDA**

Mayor Walker requested if there were any items to be removed from the Consent Agenda prior to its consideration. With none, Assistant City Manager/City Clerk Katie Schaller read the summaries of each of the following items:

**MUNICIPAL ORDER NO. 2009 - 23**

**MUNICIPAL ORDER APPROVING THE REAPPOINTMENTS OF  
KEVIN DEFEBBO, JIM DINNING, GARY DILLARD, HAROLD  
MCGUFFEY AND JOHNNY WEBB, AND THE APPOINTMENT OF  
CHUCK COATES TO SERVE ON THE INTER-MODAL  
TRANSPORTATION AUTHORITY, INC. BOARD OF DIRECTORS  
AND AUTHORIZING THE SUBMISSION OF REAPPOINTMENTS**

AND APPOINTMENT TO THE WARREN COUNTY JUDGE  
EXECUTIVE

MUNICIPAL ORDER NO. 2009 - 24

MUNICIPAL ORDER APPROVING THE REAPPOINTMENTS OF  
KIMBERLY BOUCHEY, DONNIE BROWN AND ROGER MILLER,  
AND THE APPOINTMENT OF DEAN FRAZIER TO THE  
BOWLING GREEN-WARREN COUNTY MILITARY LIAISON  
BOARD

MUNICIPAL ORDER NO. 2009 - 25

MUNICIPAL ORDER APPROVING THE APPOINTMENTS OF  
JENNIFER EDWARDS, DAVID PAGE AND TOM CLAYTON TO  
THE BOWLING GREEN-WARREN COUNTY MOBILE RADIO  
COMMUNICATIONS COMMITTEE

MUNICIPAL ORDER NO. 2009 - 26

MUNICIPAL ORDER AUTHORIZING PAYMENT IN THE  
AMOUNT OF \$2,500 TO THE BOWLING GREEN-WARREN  
COUNTY REGIONAL AIRPORT FOR MATCHING FUNDS FOR A  
SMALL COMMUNITY AIR SERVICE DEVELOPMENT PROGRAM  
GRANT

Motion was made by Wilkerson and seconded by Nash for acceptance of the Consent Agenda as presented. With no discussion, a roll call vote was taken.

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

Motion to accept the Consent Agenda as presented was approved by unanimous vote.

REGULAR AGENDA

MUNICIPAL ORDER NO. 2009 - 27

MUNICIPAL ORDER APPROVING THE PROBATIONARY  
APPOINTMENT OF LENORA S. MCLAUGHLIN TO THE  
POSITION OF OFFICE ASSOCIATE IN THE POLICE  
DEPARTMENT

Summary of Municipal Order No. 2009 - 27 was read by the Assistant City Manager/City Clerk. Motion was made by Wilkerson and seconded by Nash for consideration of said Municipal Order. DeFebbo explained that with a recent resignation, the position was downgraded from a Records Associate to an Office Associate, which provided approximately \$3,000 in savings. He

recommended the appointment. Mayor Walker asked for additional discussion, and with none, a roll call vote was taken.

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

Municipal Order No. 2009 - 27 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2009 - 28

MUNICIPAL ORDER AUTHORIZING AND ACCEPTING BID FROM SCOTT, MURPHY & DANIEL, LLC OF BOWLING GREEN, KENTUCKY IN THE AMOUNT OF \$2,578,315 FOR THE CONSTRUCTION OF A NEW FIRE DEPARTMENT HEADQUARTERS AND RENOVATION OF THE CENTRAL FIRE STATION FOLLOWING NEGOTIATIONS AFTER COMPETITIVE SEALED BIDDING FOR BID #2008-51, AND AUTHORIZING DIRECT PURCHASE OF MATERIALS FROM VARIOUS VENDORS

Summary of Municipal Order No. 2009 - 28 was read by the Assistant City Manager/City Clerk. Motion was made by Wilkerson and seconded by Nash for consideration of said Municipal Order. DeFebbo said this item was discussed during the earlier work session and he recommended approval. He reviewed the bidding and competitive negotiation process, which was undertaken to bring the project within budget. Mayor Walker asked for additional discussion, and with none, a roll call vote was taken.

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

Municipal Order No. 2009 - 28 was approved by majority vote. Comm. Denning abstained stating he was employed by Scott, Murphy & Daniel.

MUNICIPAL ORDER NO. 2009 - 29

MUNICIPAL ORDER ACCEPTING AND ADOPTING THE BOWLING GREEN POLICE POLICY AND PROCEDURES MANUAL, 2009 EDITION

Summary of Municipal Order No. 2009 - 29 was read by the Assistant City Manager/City Clerk. Motion was made by Denning and seconded by Nash for consideration of said Municipal Order. DeFebbo stated that an overview of the recommended changes was presented at the January 20<sup>th</sup> work session. Mayor Walker asked for additional discussion, and with none, a roll call vote was taken.

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

Municipal Order No. 2009 - 29 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2009 - 30

MUNICIPAL ORDER ACCEPTING DONATION FROM BOWLING GREEN EAST LITTLE LEAGUE FOR THE RECONSTRUCTION OF THE BATTING CAGE AND BULL PEN COMPLEX LOCATED AT KEREIAKES PARK

Summary of Municipal Order No. 2009 - 30 was read by the Assistant City Manager/City Clerk. Motion was made by Wilkerson and seconded by Nash for consideration of said Municipal Order. DeFebbo recommended the acceptance of the donation which required approval by the Board of Commissioners. Brad Odil, Board member of Bowling Green East Little League, thanked the City for its support of the League and presented the City with a check in the amount of \$15,000. Parks and Recreation Director Ernie Gouvas accepted the check on the City's behalf. He said that Parks would perform the work in-house and use the funds raised by the League to purchase materials for the project. Mayor Walker asked for additional discussion, and with none, a roll call vote was taken.

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

Municipal Order No. 2009 - 30 was approved by unanimous vote.

ORDINANCE NO. BG2009 - 3  
(First Reading)

ORDINANCE CLOSING A PUBLIC RIGHT-OF-WAY

ORDINANCE APPROVING THE CLOSING OF AN UNUSED PORTION OF FAIRVIEW COURT

Title and summary of Ordinance No. BG2009 - 3 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 reviewed the recommendation to close the unused portion of Fairview Court which was part of the Fire Headquarters expansion project. Mayor Walker asked for additional discussion, and with none, a roll call vote was taken.

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

First reading of Ordinance No. BG2009 - 3 was approved by majority vote.

ORDINANCE NO. BG2009 - 4  
(First Reading)

ORDINANCE CLOSING A PUBLIC RIGHT-OF-WAY

ORDINANCE APPROVING THE CLOSING OF A PORTION OF NAVAJO DRIVE RIGHT-OF-WAY

Title and summary of Ordinance No. BG2009 - 4 was read by the Assistant City Manager/City Clerk. Motion was made by Nash and seconded by Denning for first reading of said Ordinance. Comm. Nash explained that he proposed to permanently close Navajo Drive and, at a later date, Shawnee Way. He expressed concerns that households and neighborhoods were divided by the on-going issue and that it was his desire that a resolution to the issue, regardless of the outcome, would help mend those relationships. He further indicated that the roads should never have been connected to the outside development and that the neighborhood should remain intact.

Neil Peterie of 848 Yuma Circle, Bob Wood of 2454 Yuma Drive and Henry Thompson of 1213 Shawnee Way spoke in opposition to the permanent closure of Navajo Drive. Mr. Peterie stated that he had submitted a petition with 230 signatures citing safety and ecology as the primary reasons to keep the road open. Mr. Wood indicated that the City had considered and addressed several traffic concerns expressed by some neighbors as reasons to keep the street closed. In addition, he stated that closing the road inconvenienced a lot of people and that they deserved the right to use the street to access the shopping center.

Jeff Arnold, representing the shopping center and others in the area, expressed a desire for the road to remain open. He explained that the shopping center development invested several thousands of dollars to construct the connecting streets, which it was instructed to do, and if closed, that would be a waste of time and money.

Larry Martin of 2617 Navajo Drive, May Barnes of 2615 Navajo Drive and Jack Hoeft of 2613 Yuma Drive spoke in support of closing Navajo Drive. Mr. Martin indicated he had presented a petition with over 250 signatures in 2005 supporting the closure of both Navajo Drive and Shawnee Way to reduce traffic volume, improve safety and increase the quality of life for the neighborhood. Ms. Barnes expressed concern with even more traffic being added to the neighborhood with the proposed development of an apartment complex on a lot next to her property.

Thomas Donnelly, owner of the vacant lot next to 2615 Navajo Drive, responded to comments made by Ms. Barnes regarding the proposed development and said he did everything asked of him to accommodate her concerns. He pointed out that developments were required to create connectability to prepare for growth in the community. Mr. Donnelly commented that the City should take down the temporary barricades to study the impact on traffic flow now that the other streets (Patton Way and Fields Drive) were built. Although he stated he did not personally care if the street was closed, he urged the Board to reconsider connectivity.

Comm. Wilkerson reiterated that petitions had been submitted on both sides of the issue and that he shared the same concerns as Comm. Nash regarding connectivity to keep the residential neighborhood intact. However, he asserted that the roads should be reopened as the logical next step to study the change and to see if the traffic issues have been addressed.

Comm. Hamilton commented that after having listened to the statements made and hearing people's concerns, she suggested that more study was needed. She stated she would like to see the roads open.

Following the discussion, a roll call vote was taken.

ROLL CALL:           Voting Yea:   Denning, Nash and Walker

                          Voting Nay:   Hamilton and Wilkerson

First reading of Ordinance No. BG2009 - 4 was approved by majority vote.

MUNICIPAL ORDER NO. 2009 - 31

MUNICIPAL ORDER DECLARING TRACT OF PROPERTY  
CONTAINING APPROXIMATELY 0.25 ACRES LOCATED 615

FEET FROM THE INTERSECTION OF HIGH STREET AND FAIRVIEW AVENUE AND AT THE INTERSECTION OF HIGH STREET AND CHERRY DRIVE SURPLUS AND AUTHORIZING SALE OF THIS PROPERTY BY SEALED BIDS

Summary of Municipal Order No. 2009 - 31 was read by the Assistant City Manager/City Clerk. Motion was made by Wilkerson and seconded by Denning for consideration of said Municipal Order. Comm. Wilkerson explained that he was approached by the owner of a neighboring business regarding a proposed development which could use this additional property. After determining that the property was not in use by the City for any specific purpose, Comm. Wilkerson proposed to sell the property to allow it to produce revenues versus sitting vacant.

Comm. Nash confirmed the location of the triangular piece, which was separated from the rest of Reservoir Hill Park property by Cherry Drive. He also stated that this action did not automatically deed the property to anyone specific, but rather, allowed the process for the property to be sold through sealed bid to the highest bidder. Comm. Nash also confirmed that the existing rock wall on the lot would be salvaged as much as possible and relocated to another area of the City.

City Attorney Gene Harmon reviewed the procedures under state statute to declare the property surplus and the requirements to properly dispose of the surplus property. He further explained that the City would be required to publicly advertise the sale of the property. In addition, Mr. Harmon noted that the highest bidder (purchaser) would be responsible for surveying and replatting the property, preparing the deed, including determining the proper source of title, and paying for all costs associated with the closing.

Once all discussion ended, Mayor Walker asked for additional discussion, and with none, a roll call vote was taken.

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

Municipal Order No. 2009 - 31 was approved by unanimous vote.

ORDINANCE NO. BG2009 - 5

(First Reading)

ORDINANCE AUTHORIZING THE EXECUTION OF AN INTERIM FINANCING AGREEMENT

ORDINANCE AUTHORIZING THE EXECUTION BY THE CITY OF AN INTERIM FINANCING AGREEMENT AMONG THE CITY, THE COUNTY OF WARREN, KENTUCKY, BOWLING GREEN SPE, INC. AND THE WARREN COUNTY DOWNTOWN ECONOMIC DEVELOPMENT AUTHORITY, INC., 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 - 5 was read by the Assistant City Manager/City Clerk. Motion was made by Nash and seconded by Wilkerson for first reading of said Ordinance. DeFebbo commented that this item was discussed during the earlier work session and that the City was

still waiting for a complete review of the final documents by its bond counsel. Chief Financial Officer Jeff Meisel responded to questions about the redirecting of incremental taxes from the expanded TIF area specifically designated for the Medical Center, Graves-Gilbert and Western Kentucky University projects to the Chapter 58 Corporation (also known as the Warren County Economic Development Authority, Inc.) for interim financing. Mayor Walker reiterated that the interim financing would end in no less than 30 years, but sooner once bonds were issued.

Attorney Kevin Brooks, representing the Warren County Economic Development Authority, Inc. (Authority), responded to questions about the lease of the baseball stadium and the size of the parking garage.

Mayor Walker thanked everyone for addressing the concerns raised at the previous meeting on January 28, 2009, which included the determination of the base year of 2007, placing in writing the dissolution of the Interim Financing Agreement when bonds are issued, and allowing the review of mortgage documents by the City's bond counsel. She stated she thought the project should move forward and that such an opportunity was available with the proposed interim financing plan. She further stated that with agreement from the Medical Center, Graves-Gilbert and WKU for use of incremental tax revenue, she could support the approval of this item wholeheartedly.

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

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

First reading of Ordinance No. BG2009 - 5 was approved by majority vote.

Following the vote, Comm. Nash commented about criticism coming with the job as an elected official, but it bothered him that private individuals were being criticized for coming forward with new and/or inventive ideas. He encouraged people to attack an idea and not the individual who brings it forward.

#### ADJOURNMENT

There being no further business to come before the Board of Commissioners, at approximately 8:10 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 the following subjects: 1) an update regarding the construction of the Bowling Green Fire Department Headquarters and renovation of the Central Fire Station; 2) a presentation of the results from the National Citizen Survey for the City of Bowling Green; and 3) the WKU Gateway to Downtown Bowling Green Development Area and Tax Increment Financing (TIF) District, including consideration of an Interim Financing Agreement.

ADOPTED: \_\_\_\_\_

*(Minutes-Board of Commissioners-February 3, 2009)*

APPROVED: \_\_\_\_\_  
Mayor, Chairman of Board of Commissioners

ATTEST: \_\_\_\_\_  
City Clerk

*Minutes prepared by Assistant City Manager/City Clerk Katie Schaller*