

**MINUTES of REGULAR MEETING  
of the BOARD of COMMISSIONERS  
of the CITY of BOWLING GREEN, KENTUCKY  
held JULY 6, 2010**

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 6, 2010. Mayor Elaine N. Walker called the meeting to order. An invocation was given by Commissioner Bruce Wilkerson, 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 Bruce Wilkerson, Commissioner Joe W. Denning, Commissioner Catherine Hamilton, Commissioner Brian "Slim" Nash 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 of pending litigation against the City. Motion was made by Wilkerson and seconded by Nash to convene in closed session following the regular meeting pursuant to KRS 61.810 (1)(c). Walker called for roll call vote.

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

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

**APPROVAL OF MINUTES**

Minutes of Regular Meeting June 15, 2010 and Special Meeting June 21, 2010

Minutes of the above-referenced meetings 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: Wilkerson, Denning, Hamilton, Nash and Walker  
                          Voting Nay: None

Motion to approve the minutes of the regular meeting of June 15, 2010 and special meeting of June 21, 2010 was approved by unanimous vote.

**PUBLIC COMMENTS**

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

**MUNICIPAL ORDER NO. 2010 – 130**

**MUNICIPAL ORDER APPROVING THE PROMOTION OF ERNIE  
W. STEFF TO THE POSITION OF POLICE SERGEANT IN THE  
POLICE DEPARTMENT**

Summary of Municipal Order No. 2010 - 130 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 announced that with the retirement of Police Sergeant Gary Spillman, an opening became available for a promotion. Police Chief Doug Hawkins reviewed the qualifications of the recommended individual for promotion. He also pointed out that Master Police Officer Ernie Steff was awarded the Police Department's Life Saving Medal three times. Mayor Walker asked for additional discussion, and with none, a roll call vote was taken.

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

Municipal Order No. 2010 - 130 was approved by unanimous vote.

**MUNICIPAL ORDER NO. 2010 - 131**

**MUNICIPAL ORDER APPROVING THE PROBATIONARY APPOINTMENT OF PHILLIP A. COOKE TO THE POSITION OF CUSTODIAN IN THE PARKS AND RECREATION DEPARTMENT**

Summary of Municipal Order No. 2010 - 131 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 there were some changes with personnel in the custodian position which was just recently filled. With those changes, a position became vacant once again and he recommended the appointment of an individual from the existing list of qualified candidates. Mayor Walker asked for additional discussion, and with none, a roll call vote was taken.

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

Municipal Order No. 2010 - 131 was approved by unanimous vote.

**MUNICIPAL ORDER NO. 2010 - 132**

**MUNICIPAL ORDER APPROVING THE TRANSFER OF J. MICHAEL GRUBBS TO THE POSITION OF HUMAN RESOURCES DIRECTOR IN THE HUMAN RESOURCES AND RISK MANAGEMENT DEPARTMENT**

Summary of Municipal Order No. 2010 - 132 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 stated that with the abolishment of the Citizen Information and Assistance Department, there was no longer a need for a Department Director. However, since Mr. Grubbs had been filling in as the Acting Human Resources Director for the past year and a half, Mr. DeFebbo recommended that he be officially transferred back to that position which he once held previously. Mayor Walker asked for additional discussion, and with none, a roll call vote was taken.

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

Municipal Order No. 2010 - 132 was approved by unanimous vote.

**ORDINANCE NO. BG2010 - 21**  
**(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 2011

Title and summary of Ordinance No. BG2010 - 21 was read by the Assistant City Manager/City Clerk. Motion was made by Wilkerson and seconded by Hamilton for first reading of said Ordinance. DeFebbo indicated that a couple of changes to combine (blend) positions in the Housing and Community Development Department necessitated an amendment to the pay schedule. He explained that Inspections Support Specialist Kay Hayes was splitting her time 50/50 between the Building and Inspection Division and as an Office Associate for the Housing Division which was in a lower pay grade. He explained the blended position would be titled Office Associate/Inspections Support Specialist and remain in the lower pay grade.

In addition with a recent increase in electrical inspections, Mr. DeFebbo recommended bringing back Electrical Inspector Teddy Webb who was laid-off back in February. However, with the resignation of Code Enforcement Inspector Tad Douglas, Mr. DeFebbo further recommended combining the two positions into one Code Enforcement/Electrical Inspector position which would split its time 85/15 respectively between the two functions. He stated if the Board agreed with these changes, a Municipal Order would be presented at the next meeting to official reassign/appoint the individuals. Mayor Walker commended the City Manager for his efforts to reorganize the department to fit its needs. She asked for additional discussion, and with none, a roll call vote was taken.

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

First reading of Ordinance No. BG2010 - 21 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2010 - 133

MUNICIPAL ORDER AUTHORIZING SOFTWARE SUBSCRIPTION  
SERVICES FROM ENROUTE EMERGENCY SYSTEMS IN THE  
AMOUNT OF \$105,939.72 FOR FISCAL YEAR 2011

Summary of Municipal Order No. 2010 - 133 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 and recommended the subscription services. Mayor Walker asked for additional discussion, and with none, a roll call vote was taken.

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

Municipal Order No. 2010 - 133 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2010 - 134

MUNICIPAL ORDER AUTHORIZING CHANGE ORDER NO. ONE  
TO CONTRACT WITH SCOTT AND MURPHY, INC. OF BOWLING  
GREEN, KENTUCKY FOR THE HINES BOATLANDING PARK TO  
HOBSON GROVE GREENWAYS CONNECTOR PROJECT (BID  
#2010-36) IN THE AMOUNT OF \$69,447

Summary of Municipal Order No. 2010 – 134 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 explained that in a continuing effort to fill in the greenways system, a change order was needed to connect the two end points of this project. He noted that some of the open space would be turned into a wildflower grove to reduce the need for mowing. He also stated that this project was funding through the Transportation and Community and System Preservation Program (TCSP) grant. Mayor Walker asked for additional discussion, and with none, a roll call vote was taken.

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

Municipal Order No. 2010 - 134 was approved by unanimous vote.

**MUNICIPAL ORDER NO. 2010 – 135**

**MUNICIPAL ORDER APPROVING AMENDMENT TO TRAFFIC  
FEATURE MAP RELATED TO THE INSTALLATION OF  
APPROPRIATE SIGNAGE AND OTHER TRAFFIC ELEMENTS TO  
PROHIBIT MOTORISTS FROM MAKING A LEFT TURN OFF  
NELLUMS AVENUE ONTO BROCKLEY WAY**

Summary of Municipal Order No. 2010 - 135 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 reviewed the requirements of the Neighborhood Traffic Control Policy. Civil Engineer Mark Absher provided an overview of the request and described the specific location. He noted that the citizen’s request for a right-turn only off Nellums Avenue would force approximately 280 vehicles through the residential neighborhood located off Brockley Way or through the commercial properties located on Nellums Avenue. As an alternative staff recommendation in lieu of the right-turn only request, Mr. Absher suggested additional signage and pavement markings to reinforce the existing “Do Not Block Intersection” requirements.

Comm. Denning expressed concern with the added problems that would be created by forcing more traffic to go through the residential neighborhood to access Riverwood Avenue, which also required a right-turn only at its intersection with Fairview Avenue.

In response to a question from Comm. Nash, City Attorney Gene Harmon explained the Board’s options with respect to not approving this item and requesting staff to proceed with its recommendation. Mr. DeFebbo stated that if the Board voted down the request, it could direct staff to amplify the existing conditions at the intersection which would not require a need for an amendment to the Traffic Feature Map (TFM).

Stacy Ferguson of 202 Riverwood Avenue, and requesting party for the amendment to the TFM, argued that additional signs would do nothing to change the situation. She further described the conditions at the intersection when drivers ignore the existing signs and pull out onto Brockley to make a left turn and then block traffic from entering Brockley off the 31W Bypass.

Mayor Walker proposed that staff add the additional signage and asked the Police Chief to increase enforcement in that area to see if that improves the situation. Otherwise, she agreed that more traffic would be forced through the residential neighborhood if the Board approved this item.

She also remarked that the issue could always be revisited later. With no more discussion, a roll call vote was taken.

ROLL CALL: Voting Yea: None

Voting Nay: Wilkerson, Denning, Hamilton, Nash and Walker

Municipal Order No. 2010 - 135 was defeated by unanimous vote. Mr. DeFebbo confirmed that staff would proceed to “amplify the existing conditions” and install additional signage and pavement markings as discussed.

MUNICIPAL ORDER NO. 2010 – 136

MUNICIPAL ORDER APPROVING AMENDMENT TO TRAFFIC FEATURE MAP RELATED TO THE INSTALLATION OF S FOUR-WAY STOP AND CROSSWALKS AT THE INTERSECTION OF NORMAL DRIVE AND REALIGNED ACCESS DRIVE ENTRANCES NEXT TO WKU’S MASS MEDIA AND TECHNOLOGY HALL

Summary of Municipal Order No. 2010 - 136 was read by the Assistant City Manager/City Clerk. Motion was made by Denning and seconded by Wilkerson for consideration of said Municipal Order. DeFebbo recounted that this item was discussed during WKU’s presentation at the work session earlier in the afternoon. Civil Engineer Mark Absher summarized the request and described the specific location which was requested to improve pedestrian safety. He stated that the Public Works staff concurred that the amendment could improve access and safety once the building construction finished and opened adjacent to this intersection. He also noted that this intersection did meet guidelines for the installation of stop signs.

Comm. Nash inquired about the actions Public Works would take to notify returning students of the new stop if the Board approved the installation. He also inquired if the use of temporary red blinking lights could be placed on the stop signs for a few weeks to alert drivers and get them use to the change. Mr. Absher noted that the City would work with WKU to get the information out and agreed that the blinking lights could be used as well. With no further discussion, a roll call vote was taken.

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

Voting Nay: None

Municipal Order No. 2010 - 136 was approved by unanimous vote.

ORDINANCE NO. BG2010 – 22

(First Reading)

ORDINANCE CLOSING A PUBLIC RIGHT-OF-WAY

ORDINANCE APPROVING THE CLOSING OF A PORTION OF AN ALLEY BETWEEN 14<sup>TH</sup> AVENUE AND 15<sup>TH</sup> AVENUE

Title and summary of Ordinance No. BG2010 - 22 was read by the Assistant City Manager/City Clerk. Motion was made by Wilkerson and seconded by Hamilton for first reading of said Ordinance. DeFebbo reviewed the recommendation by the City-County Planning Commission to correct an existing encroachment on public right-of-way. He confirmed the alley would remain open,

only a small portion of the right-of-way was at issue. Mayor Walker asked for additional discussion, and with none, a roll call vote was taken.

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

First reading of Ordinance No. BG2010 - 22 was approved by unanimous vote.

**ORDINANCE NO. BG2010 - 23**  
**(First Reading)**  
**ORDINANCE REZONING REAL ESTATE**

**ORDINANCE AMENDING ORDINANCE NO. BG2010-15 WHICH REZONED A TRACT OF LAND CONTAINING 0.3472 ACRES FROM RS-1A (SINGLE FAMILY RESIDENTIAL) TO RS-1D (SINGLE FAMILY RESIDENTIAL) LOCATED AT 1824 NORMAL STREET, WITH BINDING ELEMENTS, PRESENTLY OWNED BY ANDREW AND MEREDITH KOON TO CORRECT THE SIZE OF THE PROPERTY BEING REZONED TO 0.2385 ACRES**

Title and summary of Ordinance No. BG2010 - 23 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 explained that a correction was required due to an error in a cover memorandum. He indicated that the actual acreage rezoned should have been listed as 0.2385 (portion of tract) not 0.3472 (entire tract). Mayor Walker asked for additional discussion, and with none, a roll call vote was taken.

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

First reading of Ordinance No. BG2010 - 23 was approved by unanimous vote.

**ORDINANCE NO. BG2010 - 24**  
**(First Reading)**  
**ORDINANCE ANNEXING PROPERTY BY CONSENT**

**ORDINANCE ANNEXING 3.22 ACRES OF GREENWOOD LANE RIGHT-OF-WAY, WITH PROPERTY PRESENTLY OWNED BY WARREN COUNTY, KENTUCKY AND SAID TERRITORY BEING CONTIGUOUS TO EXISTING CITY LIMITS**

Title and summary of Ordinance No. BG2010 - 24 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 with the completion of the Greenwood Lane road extension project, Warren County requested that the City annex the right-of-way and add the entire road to its maintenance responsibility. City Attorney Gene Harmon explained that the road was split between both the City's and County's jurisdiction. He further explained that a name change would be requested and it was best to have the road under just one jurisdiction before that occurred. Also, Mr. Harmon informed the Board that the City was reaching out to the abutting residents to see if any of them were also interested in being annexed into the City limits. Mayor Walker asked for additional discussion, and with none, a roll call vote was taken.

ROLL CALL: Voting Yea: Wilkerson, Denning, Hamilton, Nash and Walker  
Voting Nay: None  
First reading of Ordinance No. BG2010 - 24 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2010 – 137

MUNICIPAL ORDER APPROVING TEMPORARY COMMERCIAL  
SIGN POLICY

Summary of Municipal Order No. 2010 – 137 was read by the Assistant City Manager/City Clerk. Motion was made by Wilkerson and seconded by Walker for consideration of said Municipal Order. DeFebbo stated this item was discussed at the earlier work session. He reiterated that he would agree to hold implementation until August 1<sup>st</sup> to allow time for the Board to review the sign regulations in the City-County Zoning Ordinance. Motion to amend Municipal Order No. 2010 – 137 to change the effective date of the Temporary Commercial Sign Policy to August 1, 2010 was made by Wilkerson and seconded by Walker. A roll call vote was taken.

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

Motion to amend Municipal Order No. 2010 - 137 to establish an effective date of August 1, 2010 was approved by unanimous vote. Mayor Walker asked for additional discussion, and with none, a roll call vote was taken.

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

Municipal Order No. 2010 - 137 as amended was approved by unanimous vote.

MUNICIPAL ORDER NO. 2010 – 138

MUNICIPAL ORDER AGREEING TO TERMINATION OF ETA  
RHO HOME ASSOCIATION OF SIGMA NU FRATERNITY, INC.  
HISTORIC DISTRICT CONSENT RELATED TO 1311 COLLEGE  
STREET

Summary of Municipal Order No. 2010 – 138 was read by the Assistant City Manager/City Clerk. Motion was made by Wilkerson and seconded by Denning for consideration of said Municipal Order. As the sponsor of the item, Commissioner Wilkerson yielded the floor to Jeff Baynham, a member of the Phi Gamma Delta Housing Corporation. Mr. Baynham informed the Board that his organization purchased 1311 College Street from the Sigma Nu Fraternity and was in the process of fixing up the house for the new fraternity. Since the property was not currently in the College Hill Local Historic District (HD), he requested that it remain that way under the same consideration given to Sigma Nu. He also pointed out that the fraternity would be under the jurisdiction of the University District which regulates university-related organizations within a certain proximity to WKU.

David Anderson of 1325 College Street, Michael Minter of 1262 Chestnut Street, John Parker of 1341 State Street and Shawn Sinclair of 1318 State Street all expressed concerns with not requiring that 1311 College Street be added, now or in the future, to the Local Historic District. Mr. Anderson welcomed the fraternity to the neighborhood and complimented the new property owner for cleaning up the property and keeping the premises looking nice. However, he stated he did not understand why one group should be given special consideration to remain outside the HD, particularly knowing

that an agreement existed requiring the former property owner to request and consent to enter the HD if it ceased to use the property. He pointed out that the agreement provided language for enforcement of the consent by several different parties and he did not understand why the Historic Preservation Board postponed consideration of the issue. Mr. Anderson alleged that this action was done by the Planning Commission to allow the fraternity time to make changes to the house before the agreement was brought up for consideration. He further remarked that he did not think the Board of Commissioners could terminate the agreement without the consent from all the other property owners in the HD based on the enforcement language and implied third party consent. He proposed that everyone work together to find an equitable resolution.

Mr. Minter mentioned that 1303 State Street, which was also included along with 1311 College Street in the ETA RHO Home Association of Sigma Nu Fraternity, Inc. Historic Consent, was added into the HD as required by the agreement when Sigma Nu sold it. He also pointed out that the residents asked for the creation of the local historic district and he hoped the Board would do the right thing. Mr. Parker stated the HD was an asset to the community and he asked the Board not to set a bad precedent by excluding the one house. Mr. Sinclair commented that he had witnessed what can and has happened to fraternity houses and believed the property should someday be added to the HD.

In response to some of the comments of the area residents, Mr. Baynham reported that several improvements were made to the interior of the house after it was purchased, but no changes had been made to the exterior of the house, yet. He remarked that his organization was vested in the property and welcomed anyone to walk through the house. Mr. Baynham also responded that 1303 College Street was not comparable to this issue because it was not subject to University District Review (UDR). If termination of the agreement was not acceptable, Mr. Baynham requested the continuation of the arrangement made with Sigma Nu. Mr. Anderson specified that his concerns were not specifically about this group, but rather about what happens years down the road.

Comm. Denning stated that he was a member of the UDR Committee and he had concerns with overlapping jurisdictions and fraternities and sororities having to answer to multiple organizations. He stated this was a case of an entity wanting to do right, but having too many masters to answer to, and he wondered where it would stop. Comm. Denning declared that the Board created this problem and now was the time to take care of it.

Mayor Walker recounted that the issue was addressed in 2004 when Sigma Nu was going to take down the houses to build a new house, and at that time the neighborhood objected to the exclusion of the two properties from the HD. She reiterated that Sigma Nu agreed to come into the district and she inquired as to why this was not done.

City-County Planning Commission Planner Jonathan Britt responded to why the item was pulled from the Historic Preservation Board's (HPB) agenda which came down to an advertising issue and he accepted full responsibility for the error. City-County Planning Commission Director Steve Hunter acknowledged that he was the one who said to remove the item from the HPB agenda and he provided a brief overview of the requirements for applying for historic district designation. He confirmed that a request had been received from Sigma Nu for consideration, however, it did not go through the proper channels for a zoning administration amendment.

There was continued discussion regarding improvements made to the house and the expected replacement of windows. Although with the understanding that the property was not under the HD,

Mr. Baynham stated he worked with Historic Preservation Planner Miranda Clements to determine which windows should remain intact and what concessions could be made to accommodate historic significance. Mayor Walker asserted that no one was criticizing the fraternity. She polled the audience at the meeting to determine, among other things, how many were residents of the neighborhood, how many supported the creation of the historic district and how many opposed the exclusion of this property. She applauded the work being done on the interior of the fraternity house and commented that the HD overlay was not overly burdensome. Ms. Clements described the process for certificate of appropriateness applications and approvals. She noted that approximately 90% of the cases were staff approvals.

Mayor Walker stated there was a binding restriction on the property deed that Sigma Nu was responsible for consenting. She voiced concerns with not having a work session on this issue before bringing it to a meeting for a vote. Mayor Walker concluded that arrangements for a 4-1 vote were made in advance of the meeting, which backroom decision-making process was a concern to her.

In response to a request by the Mayor to table the item, Comm. Wilkerson requested procedural clarification with respect to work sessions. Mr. Harmon explained that there was no requirement that an item go to a work session and that the sponsor (Comm. Wilkerson) of the item did not request a work session. At the request of Comm. Wilkerson, Mr. Baynham affirmed that he was not promised an outcome by any of the elected officials. He was told he could contact any or all of the elected officials to plead his case and that Comm. Wilkerson would bring the item up for discussion and a vote, but that Comm. Wilkerson could not speak for the other Commissioners. Comm. Denning disclosed that he had received a call about the matter, but he made no commitment to anyone about how he intended to vote.

Bob Anderegg, President of Phi Gamma Delta Advisory Board, stated the organization did not want an adversarial relationship with the neighborhood, rather it was their intent to provide an environment to build responsible young men. He acknowledged that building materials had already been purchased to replace broken windows and to make the house more energy efficient, and he pointed out that they were trying to live up to the spirit of the Historic Preservation Board and Local Historic District since the property was located on the fringe of the HD. Mr. Anderegg indicated the organization wanted to live in harmony with the neighborhood.

Additional discussion took place regarding the approval process by the UDR and involvement by the Planning Commission and HPB for inclusion into the HD. Mr. Hunter stated that a pending application was on the schedule for a public hearing if the Board of Commissioners did not vote to terminate the consent requirement. He also noted that dual districts could co-exist.

Mayor Walker remarked that if this item is approved, the Board of Commissioners removes any protection for that neighborhood in the future. Once the discussion ended, a roll call vote was taken.

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

Municipal Order No. 2010 - 138 was approved by majority vote. Mayor Walker expressed her appreciation of the involvement of the area residents.

MUNICIPAL ORDER NO. 2010 – 139

MUNICIPAL ORDER APPROVING OUT OF TOWN TRAVEL EXPENSES FOR MAYOR ELAINE N. WALKER TO ATTEND THE ALL-AMERICA CITY AWARDS IN KANSAS CITY, KANSAS AND AUTHORIZING REIMBURSEMENT

Summary of Municipal Order No. 2010 - 139 was read by the Assistant City Manager/City Clerk. Motion was made by Denning and seconded by Hamilton for consideration of said Municipal Order. Mayor Walker stated that private contributions were collected to pay for the costs related to this travel. She asked for additional discussion, and with none, a roll call vote was taken.

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

Municipal Order No. 2010 - 139 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2010 – 140

MUNICIPAL ORDER AUTHORIZING THE SUBMISSION OF A LETTER OF INTENT TO APPLY FOR TRANSPORTATION ENHANCEMENT FUNDS IN THE AMOUNT OF \$1,600,000 FOR THE DOWNTOWN REDEVELOPMENT AUTHORITY, INC. (DRA)

Summary of Municipal Order No. 2010 - 140 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 request by DRA for City sponsorship to apply for a grant to be used to rehabilitate 601 State Street. He noted that a 20% match would be required for the grant, but would be provided by DRA.

City Attorney Gene Harmon provided a response to a question previously posted and reiterated by Comm. Denning about the Master Developer Agreement (associated with the WKU Gateway to Downtown Bowling Green Tax Increment Financing (TIF) District) and where the requirements of that agreement stood with respect to leasing 601 State Street. He specified that he spoke to Attorney Kevin Brooks, representing Warren County Downtown Economic Development Authority, Inc., who confirmed the funding source for 601 State Street was TIF bonds which had not been issued to date. Mr. Harmon also confirmed that any money generated and collected in the TIF District was already pledged to existing debt.

Comm. Denning expressed his concerns regarding the TIF development project. He commented that the TIF was currently not giving anything back to help pay for the City's debt on the GO bonds for the ballpark, and yet, the Board of Commissioners continued to argue about other minor things.

Former City Commissioner Jim Bullington, and DRA member, congratulated Commissioner Nash for suggesting the flashing lights on the new stop signs (referring to the discussion of Municipal Order No. 2010 – 136). Mr. Bullington provided an overview of the history of 601 State Street and explained that a previous grant was used to update the building, but more funds were needed to renovate the facility for future leasing opportunities. He noted that there has been much interest in leasing the building, however, most potential prospects would not invest \$2 million in a property it did

not own. Mr. Bullington reported that DRA had already worked with an architectural/engineering firm that assisted with identifying areas for improvement. He stated that DRA was not asking the City to provide any matching funds for the grant, but rather just asking for sponsorship.

Comm. Nash inquired about what would happen to the ownership of 601 State Street if DRA ceased to exist. Mr. Harmon replied that under the grant agreement which provided the funds to purchase the property, there were certain conditions requiring the building to remain in public use for 20 years. Mayor Walker also responded that there were restrictions for properties under historic preservation related to the use of the facility. Downtown Redevelopment Authority Director Cheryl Blaine confirmed the restrictions under the previous grant award for continued public use which would also allow for multiple uses. She pointed out that this was just the initial intent to apply for funding and if invited to apply, DRA would return to the Board of Commissioners for consideration of the submission of the grant application. Mr. Bullington stated DRA intended to continue using a portion of the building for its offices.

As requested by Mayor Walker, Mr. DeFebbo reviewed the City's involvement and financial assistance with the environmental mitigation of the facility a few years ago. Once the discussion ended, a roll call vote was taken.

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

Municipal Order No. 2010 - 140 was approved by unanimous vote.

#### CLOSED SESSION

Following a brief recess to clear the Commission Chamber, the Board of Commissioners met at approximately 9:20 p.m. in closed session pursuant to KRS 61.810 (1)(c) as previously approved. Comm. Nash was not feeling well and excused himself from the closed session and remainder of the meeting.

#### ADJOURNMENT

Once all discussion concluded in closed session and there being no further business to come before the Board of Commissioners, at approximately 9:45 p.m., Mayor Walker declared this meeting adjourned.

#### WORK SESSION

Prior to the regular meeting and with no action taken, a majority of the Board of Commissioners, including Commissioners Denning and Wilkerson and Mayor Walker convened at 4:00 p.m. in the Commission Chamber of City Hall for a regular work session. Commissioner Hamilton arrived about ten minutes later and Commissioner Nash was absent. The following subjects were discussed: 1) a proposed Temporary Commercial Sign Policy, including permitting and compliance; and 2) a presentation by Western Kentucky University regarding proposed safety improvements along State Street and Normal Street Corridor.

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

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

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

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