

**MINUTES of REGULAR MEETING  
of the BOARD of COMMISSIONERS  
of the CITY of BOWLING GREEN, KENTUCKY  
held AUGUST 3, 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 August 3, 2010. 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.

**AWARDS & RECOGNITIONS**

Commissioner Nash announced that BGMU was one of 94 out of more than 2,000 public power utilities in the nation to receive national recognition as a Reliable Public Power Provider™ from the American Public Power Association for 2009. He also announced that BGMU was recognized by the National Arbor Day Foundation as a “Tree Line USA Utility” for the fourth year.

Mayor Walker stated this was the last meeting of the Board of Commissioners with Jim Hizer as the President and CEO of the Bowling Green Area Chamber of Commerce. She commented about his tenure with the community and wished him well as he prepared to move to Pensacola, Florida for a new job.

Mayor Walker also recognized Boy Scout Nick Conrad who was in attendance and working on achieving a scout badge.

**CITY MANAGER**

City Manager Kevin D. DeFebbo withdrew item number 7 (Municipal Order No. 2010 – 154) from the agenda and stated it would be considered at the next meeting. He also 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. Motion was made by Wilkerson and seconded by Hamilton to convene in closed session following the regular meeting pursuant to KRS 61.810 (1)(b). 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 (1)(b) was approved by unanimous vote.

Chief Financial Officer Jeff Meisel reported he was in the process of preparing the calculations for the 2010 property tax rate as it was presented to the Board of Commissioners in the Fiscal Year 2010/2011 Budget Message (adjusting the rate to provide for an allowable 4% growth rate). As required by state statute, a public hearing would be held on August 17, 2010 regarding the proposed tax rate.

APPROVAL OF MINUTES

Minutes of Regular Meeting July 20, 2010 and Special Meeting July 23, 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: Nash, Wilkerson, Denning, Hamilton and Walker  
                          Voting Nay: None

Motion to approve the minutes of the regular meeting of July 20, 2010 and special meeting of July 23, 2010 was approved by unanimous vote.

PUBLIC COMMENTS

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

ORDINANCE NO. BG2010 - 25

(Second Reading)

ORDINANCE REZONING REAL ESTATE

ORDINANCE REZONING TWO TRACTS OF LAND CONTAINING APPROXIMATELY 5 ACRES FROM LI (LIGHT INDUSTRIAL) AND GB (GENERAL BUSINESS) TO PUD (PLANNED UNIT DEVELOPMENT) LOCATED IN BLOCK 5 AND BLOCK 7 OF THE WKU GATEWAY TO DOWNTOWN BOWLING GREEN TAX INCREMENT FINANCING (TIF) DISTRICT, WITH BINDING ELEMENTS, PRESENTLY OWNED BY THE CITY OF BOWLING GREEN, KENTUCKY, MCGOWAN PROPERTIES, LLC AND WARREN COUNTY DOWNTOWN ECONOMIC DEVELOPMENT AUTHORITY, INC., WITH SOUTHERN KENTUCKY PERFORMING ARTS AS CONTRACT VENDEE

Title and summary of Ordinance No. BG2010 - 25 was read by the Assistant City Manager/City Clerk. Motion was made by Wilkerson and seconded by Nash 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. BG2010 - 25 was adopted by unanimous vote.

ORDINANCE NO. BG2010 - 26

(Second Reading)

ORDINANCE REZONING REAL ESTATE

ORDINANCE REZONING A TRACT OF LAND CONTAINING 0.38 ACRES FROM HI (HEAVY INDUSTRIAL) TO LI (LIGHT INDUSTRIAL) LOCATED AT 2777 PIONEER DRIVE, WITH BINDING ELEMENTS, PRESENTLY OWNED BY SHERWOOD L. DAVIS II AND DELORIS J. DAVIS

Title and summary of Ordinance No. BG2010 - 26 was read by the Assistant City Manager/City Clerk. Motion was made by Hamilton and seconded by Wilkerson 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. BG2010 - 26 was adopted by unanimous vote.

**ORDINANCE NO. BG2010 - 27**

**(Second Reading)**

**ORDINANCE RELATED TO WKU GATEWAY TO DOWNTOWN BOWLING GREEN TIF DEVELOPMENT AREA**

**ORDINANCE APPROVING SUB-DEVELOPER AGREEMENT AND ASSIGNMENT AND ASSUMPTION OF RIGHTS AND OBLIGATIONS UNDER MASTER DEVELOPER AGREEMENT WHICH INCLUDES A CITY TIF APPLICATION RELATED TO BLOCKS 12 AND 14 OF THE WKU GATEWAY TO DOWNTOWN BOWLING GREEN DEVELOPMENT AREA**

Title and summary of Ordinance No. BG2010 - 27 was read by the Assistant City Manager/City Clerk. Motion was made by Nash and seconded by Wilkerson for second reading of said Ordinance. Mayor Walker asked if any additional information had been received about the hotel development, the number of jobs the hotel would create and how that figure was derived, and whether there was any additional guarantee provided by the prospective hotelier for locating in Block 12. She also asked if Mr. Gorman's bio, member of SPE II, Inc., had been provided, yet. City Attorney Gene Harmon responded that he had not seen any additional information that he could recall. Attorney Kevin Brooks, representing the Subdeveloper SPE II, Inc., responded that he did not know how the calculations were derived, but did state the bulk of the estimated 70 new jobs for the entire area were for the hotel, which was approximately 50. He also stated that he would find and provide the requested information. Mayor Walker indicated that in her research of local hotels of similar size, the top number of jobs was 25. She further indicated she found it hard to believe this hotelier would be creating twice as many jobs as other 100-room hotels in Bowling Green.

Former City Commissioner Jim Bullington once again expressed concern regarding the financial accounting for the TIF Development, the reported loss on the sale of Warren County Downtown Economic Development Authority's assets, and the impact of already borrowed money mortgaged by the Ballpark and Block 6 being used for Block 12, including the transfer of the parking garage. He indicated he did not understand how a developer was going to develop Block 6 if it was covered in debt.

Mayor Walker further remarked that the only project being built that was not already going to take place was the hotel, which had provided no guarantee. She expressed dissatisfaction with a development moving forward, which would have occurred regardless, in Block 12 that would benefit others at the expense of the City. Once all the discussion ended, a roll call vote was taken.

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

Ordinance No. BG2010 - 27 was adopted by majority vote.

MUNICIPAL ORDER NO. 2010 - 151

MUNICIPAL ORDER APPROVING THE PROMOTION OF F. RICHARD HOLLAND TO THE POSITION OF COMPANY COMMANDER/EMT AND G. MICHAEL BEAN TO THE POSITION OF FIRE APPARATUS OPERATOR/EMT IN THE FIRE DEPARTMENT

Summary of Municipal Order No. 2010 - 151 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 stated the recent retirement of Company Commander David Roemer opened two positions up for promotion. Fire Chief Greg Johnson reviewed the individual qualifications and recommended the promotions. 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. 2010 - 151 was approved by unanimous vote. Mayor Walker commented about the caliber of employees who represented the Fire Department.

MUNICIPAL ORDER NO. 2010 - 152

MUNICIPAL ORDER APPROVING THE PROBATIONARY APPOINTMENT OF ANDREW S. WILLIAN TO THE POSITION OF PARKS FACILITY MAINTAINER IN THE PARKS AND RECREATION DEPARTMENT

Summary of Municipal Order No. 2010 - 152 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 position vacancy and the recommended candidate for appointment. 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. 2010 - 152 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2010 - 153

MUNICIPAL ORDER AUTHORIZING AND ACCEPTING BID #2010-31 FOR EECBG ELECTRICAL INSTALLATIONS FROM LUTHAN OF OWENSBORO, KENTUCKY IN THE AMOUNT OF \$47,000

Summary of Municipal Order No. 2010 - 153 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 recounted that the City was awarded \$585,600 of Energy Efficiency and Conservation Block Grant (EECBG) funding last year and \$285,600 was to be used to retrofit various City buildings. He indicated that this was the last bid to receive approval since the majority of the

projects were administratively approved (the other projects did not exceed \$25,000 individually). 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. 2010 - 153 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2010 – 154

MUNICIPAL ORDER AUTHORIZING SOFTWARE SUBSCRIPTION SERVICES FROM NEW WORLD SYSTEMS IN THE AMOUNT OF \$81,872 FOR FISCAL YEAR 2011

Municipal Order No. 2010 – 154 was previously withdrawn to be placed on the next regular meeting agenda.

MUNICIPAL ORDER NO. 2010 – 155

MUNICIPAL ORDER APPROVING THE CONTINUATION OF AN AGREEMENT WITH WESTERN KENTUCKY UNIVERSITY (WKU) FOR PROVIDING A LEAF COMPOSTING SYSTEM FOR THE CITY OF BOWLING GREEN, KENTUCKY

Summary of Municipal Order No. 2010 - 155 was read by the Assistant City Manager/City Clerk. Motion was made by Hamilton and seconded by Nash for consideration of said Municipal Order. DeFebbo reviewed the annual agreement and revenue sharing with WKU for composting of leaves from the City's Loose Leaf Pick-up Service. In the past 22 years, he remarked that WKU had consistently charged the same price and was now asking that the City consider a modest price increase next year. DeFebbo indicated that an increase would be considered during the preparation of the Fiscal Year 2012 budget. Comm. Nash inquired if the compost was sold to the general public and DeFebbo confirmed that it was. 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. 2010 - 155 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2010 – 156

MUNICIPAL ORDER AUTHORIZING A CONTRACT THROUGH NONCOMPETITIVE NEGOTIATIONS WITH FINLEY FIRE EQUIPMENT OF MCCONNELSVILLE, OHIO FOR THE PURCHASE OF A DEMONSTRATION AERIAL FIRE TRUCK IN THE AMOUNT OF \$867,516

Summary of Municipal Order No. 2010 - 156 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 explained the Fire Department recommended the purchase of a demonstration truck which, although technically used, was still considered new with very few miles. In addition, he commented that the City would save around \$70,000 to \$90,000 by purchasing this fire apparatus.

Fire Chief Greg Johnson described the funding mechanism that was established in the 1970's by former City Commissioner Charlie Wilson which was tied to Insurance Premium Taxes. He also outlined the process that the department engaged in when researching, developing and evaluating equipment purchases. 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. 2010 - 156 was approved by unanimous vote.

**MUNICIPAL ORDER NO. 2010 – 157**

**MUNICIPAL ORDER CONSIDERING AND APPROVING  
AMENDMENT TO TRAFFIC FEATURE MAP BASED ON A  
CITIZEN REQUEST TO STRIPE THE CENTERLINE OF INDIAN  
HILLS DRIVE FROM EWING FORD ROAD TO SIOUX WAY**

Summary of Municipal Order No. 2010 - 157 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 indicated that a citizen request was processed per the protocol in place. Civil Engineer Mark Absher described the specific location and request for centerline striping which met the Manual on Uniform Traffic Control Devices (MUTCD) guidelines for consideration. Neighborhood Action Coordinator Karen Foley reported that she sent out notices to 150 residents and some others in the area. She said she spoke to one other person, besides the requesting party, who was in favor of the striping.

Freddie Arie of Chambers Drive explained why he made his request. As a main artery for residential neighborhoods and a country club, he was concerned that the narrow roadway was unsafe and the striping would alert drivers to not cross into the other lane of travel. Fred Gooding of Cherry Hills also spoke in support of the request. He remarked that he had seen a significant increase in traffic through the years and agreed it was a safety factor.

Mr. Absher responded to questions from Comm. Nash about the striping of roads when they were repaved, the consideration of existing striping, and striping needs for various street types. Comm. Nash stated he supported the installation of centerline striping because he drove the road regularly and agreed it was narrow.

Mr. DeFebbo announced that a small group of staff were reviewing the Neighborhood Traffic Control Policy and would bring forward recommendations for revisions at an upcoming work session. 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. 2010 - 157 was approved by unanimous vote.

**MUNICIPAL ORDER NO. 2010 – 158**

**MUNICIPAL ORDER AUTHORIZING CHANGE ORDERS TO THE  
GRANT AGREEMENT AMONG THE BOWLING GREEN-WARREN  
COUNTY REGIONAL AIRPORT BOARD, THE CITY OF BOWLING**

GREEN, WARREN COUNTY AND THE FEDERAL AVIATION  
ADMINISTRATION RELATED TO THE ASPHALT OVERLAY AND  
STRENGTHENING PROJECT FOR RUNWAY 3/21

Summary of Municipal Order No. 2010 - 158 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 request from the Bowling Green-Warren County Regional Airport Board for payment of the City's share (1.25% or \$6,863) of additional costs related to change orders for the improvement project. 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. 2010 - 158 was approved by unanimous vote.

ORDINANCE NO. BG2010 - 28

(First Reading)

ORDINANCE RELATING TO BUDGET AMENDMENT

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

Title and summary of Ordinance No. BG2010 - 28 was read by the Assistant City Manager/City Clerk. Motion was made by Nash and seconded by Wilkerson for first 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

First reading of Ordinance No. BG2010 - 28 was approved by unanimous vote.

CLOSED SESSION

Mr. DeFebbo noted that there may be action to follow the closed session discussion. Following a brief recess to clear the Commission Chamber, the Board of Commissioners met at approximately 7:40 p.m. in closed session pursuant to KRS 61.810 (1)(b) as previously approved.

RECONVENE IN OPEN SESSION

Once all discussion concluded in closed session, the Board of Commissioners reconvened in open session at approximately 7:50 p.m. to consider action. Motion was made by Nash and seconded by Hamilton to add Municipal Order No. 2010 - 159 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. 2010 - 159 to the agenda was approved by unanimous vote.

MUNICIPAL ORDER NO. 2010 – 159

MUNICIPAL ORDER AUTHORIZING ACQUISITION OF 618  
COVINGTON STREET FOR THE CONSTRUCTION OF DRAINAGE  
FACILITIES TO REDUCE FLOODING

Summary of Municipal Order No. 2010 - 159 was read by the Assistant City Manager/City Clerk. Motion was made by Nash and seconded by Wilkerson 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. 2010 - 159 was approved by unanimous vote.

ADJOURNMENT

There being no further business to come before the Board of Commissioners, at approximately 7:51 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) proposed amendments to the 1985 Maintenance and Traffic Contract between the City and Kentucky Transportation Cabinet; 2) a progress report by the City Manager regarding the Board of Commissioners' Strategic Plans for 2010; and 3) an update regarding the three landfill properties and remediation of some identified issues. There was general consensus from the Board of Commissioners that it was not interested in entertaining any changes to the existing 1985 Maintenance and Traffic Contract if the City had to take on the liability and costs associated with the perpetual maintenance of state sidewalks and right-of-way mowing located within the City limits without some financial assistance and liability waiver from the state.

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

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

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

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