

**MINUTES of REGULAR MEETING
of the BOARD of COMMISSIONERS
of the CITY of BOWLING GREEN, KENTUCKY
held DECEMBER 17, 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 December 17, 2013. Mayor Bruce Wilkerson called the meeting to order. An invocation was given by Commissioner Melinda 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

Mayor Wilkerson recognized the Bowling Green High School Football Team with Coach Kevin Wallace for winning its third consecutive Kentucky 5A football championship game in the Commonwealth Gridiron Bowl. He proclaimed 2013 as “The Season of Bowling Green Purples Football” to acknowledge this outstanding accomplishment in the area of high school athletics, and encouraged everyone to congratulate all the members of the team and coaching staff. Coach Wallace recognized Coach Junior Hayes who was also in attendance, and he expressed his appreciation for the continued support and recognition.

Commissioner Hill introduced Lily and Joe Wheat of TRAX Running who had a special announcement to make. Mr. Wheat presented a \$12,000 check to the National Multiple Sclerosis Society which was made possible from the success of the second bg26.2 & Half Marathon held this past November 3rd. In addition, Mrs. Wheat presented the City with a plaque to commemorate the event and sponsorship provided through the donation of Police services. Commissioner Hill thanked everyone involved with the event and wished continued success for next year’s event.

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, for proposed litigation on behalf of the City, and for a meeting which state law specifically requires to be conducted in privacy. Motion was made by Waltrip and seconded by Hill to convene in closed session following the regular meeting pursuant to KRS 61.810 (1) (b), (c) and (k). 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), (c) and (k) was approved by unanimous vote.

APPROVAL OF MINUTES

Minutes of Regular Meeting December 3, 2013

Minutes of the above-referenced meeting were distributed to the Board of Commissioners with the Agenda for their review. Motion was made by Hill and seconded by Waltrip 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 December 3, 2013 was approved by unanimous vote.

PUBLIC COMMENTS

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

REGULAR AGENDA

ORDINANCE NO. BG2013 - 44
(Second Reading)
ORDINANCE REZONING REAL ESTATE

ORDINANCE REZONING A TRACT OF LAND CONTAINING 0.4554 ACRE FROM RM-2 (TWO-FAMILY RESIDENTIAL) TO RM-3 (MULTI-FAMILY RESIDENTIAL) LOCATED AT 1700 SMALLHOUSE ROAD, PRESENTLY OWNED BY EASTSIDE CHURCH OF CHRIST

Title and summary of Ordinance No. BG2013 - 44 was read by the Assistant City Manager/City Clerk. Motion was made by Hill and seconded by Denning 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 - 44 was adopted by unanimous vote.

MUNICIPAL ORDER NO. 2013 - 203

MUNICIPAL ORDER APPROVING THE PROBATIONARY APPOINTMENTS OF KATHLEEN L. EDWARDS AND E. PAIGE STANCILL TO THE POSITION OF COMMUNICATIONS DISPATCHER IN THE POLICE DEPARTMENT

Summary of Municipal Order No. 2013 - 203 was read by the Assistant City Manager/City Clerk. Motion was made by Hill and seconded by Waltrip for consideration of said Municipal Order. DeFebbo indicated that two vacancies occurred and the recommended appointments were on the current eligibility list for hire. 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 - 203 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2013 – 204

MUNICIPAL ORDER APPROVING THE PROBATIONARY APPOINTMENT OF KRIS D. CROWE TO THE POSITION OF FLEET MANAGER IN THE PUBLIC WORKS DEPARTMENT

Summary of Municipal Order No. 2013 - 204 was read by the Assistant City Manager/City Clerk. Motion was made by Hill and seconded by Williams for consideration of said Municipal Order. DeFebbo reviewed the application and interview process, as well as the qualifications of the recommended applicant. 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 - 204 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2013 – 205

MUNICIPAL ORDER AUTHORIZING AND ACCEPTING BID #2014-09 FOR POLICE VEHICLES FROM SAM SWOPE AUTO GROUP OF LOUISVILLE, KENTUCKY IN THE TOTAL AMOUNT OF \$289,633.80

Summary of Municipal Order No. 2013 - 205 was read by the Assistant City Manager/City Clerk. Motion was made by Waltrip and seconded by Denning for consideration of said Municipal Order. DeFebbo indicated this was one of the more important purchases made for the Police Department since Police Officers spend much of their time in the patrol vehicles while on duty. He reviewed the determination made by an employee committee to purchase the Dodge Charger over the only other rear wheel drive vehicle currently in production (Chevrolet Caprice) and recommended the bid award to purchase twelve vehicles.

Commissioner Denning asked about the development of the bidders' list and wondered why businesses that do not appear to have anything to do with the sale of vehicles were included on the list. Ms. Schaller responded that the bidders' list represented the names of all the businesses that actually downloaded or received copies of the specifications for this specific bid. She indicated that there has been a significant increase with the release/download of bid specifications since being made more easily accessible through the City's website. With no additional discussion, a roll call vote was taken.

ROLL CALL: Voting Yea: Williams, Denning, Hill, Waltrip and Wilkerson
 Voting Nay: None
Municipal Order No. 2013 - 205 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2013 - 206

MUNICIPAL ORDER ACCEPTING THE CITY OF BOWLING GREEN, KENTUCKY COMPREHENSIVE ANNUAL FINANCIAL REPORT (CAFR) FOR THE PERIOD ENDED JUNE 30, 2013 AS PREPARED BY THE DEPARTMENT OF FINANCE AND AUDITED BY MOUNTJOY CHILTON MEDLEY, LLP

Summary of Municipal Order No. 2013 - 206 was read by the Assistant City Manager/City Clerk. Motion was made by Waltrip and seconded by Williams for consideration of said Municipal Order. DeFebbo explained that the Bowling Green Audit Committee was created in 2006 and was tasked with reviewing and recommending approval of the City's annual financial report. Audit Committee Chair Cristi Pruitt reported that the Audit Committee met with the external auditors for a thorough review of the financial report on December 9th. She noted that the auditors provided an unqualified opinion and had received excellent cooperation from management.

At the request of the Mayor, Internal Auditor Deborah Jenkins named all the members of the Audit Committee. Mayor Wilkerson commented that it was important to have an extra set of eyes outside of the government organization to review the financial activities of the government. He expressed appreciation for the members' services. As a member of the Audit Committee, Commissioner Denning remarked about the work that the Committee performs and the dedication of the group.

Since this was the last year of a five year agreement for auditing services to be performed by Mountjoy, Ms. Jenkins informed the Board that a new request for proposals (RFP) had recently been released to solicit external auditor services for the next five years. Mayor Wilkerson noted that the City had taken an extra ordinary step by adding the Office of Internal Auditor. Mr. DeFebbo confirmed that Bowling Green was one of only four cities in Kentucky to have such an office. Once the discussion ended, a roll call vote was taken.

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

Municipal Order No. 2013 - 206 was approved by unanimous vote.

ORDINANCE NO. BG2013 - 46

(First Reading)

ORDINANCE CLOSING A PUBLIC RIGHT-OF-WAY

ORDINANCE APPROVING THE CLOSING OF A PORTION OF SMALLHOUSE ROAD FROM THE INTERSECTION OF CAVE MILL ROAD AND HUNTING CREEK DRIVE

Title and summary of Ordinance No. BG2013 - 46 was read by the Assistant City Manager/City Clerk. Motion was made by Hill and seconded by Williams for first reading of said Ordinance. With the completion of the realigned intersection of Smallhouse Road at Cave Mill Road, DeFebbo indicated that the old section of Smallhouse Road could now officially be closed. 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
First reading of Ordinance No. BG2013 - 46 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2013 - 207

MUNICIPAL ORDER APPROVING A SUBSTANTIAL AMENDMENT TO THE ANNUAL ACTION PLANS FOR YEARS 2, 4, 5, 8 AND 9 OF THE COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) ENTITLEMENT PROGRAM

Summary of Municipal Order No. 2013 - 207 was read by the Assistant City Manager/City Clerk. Motion was made by Hill and seconded by Waltrip for consideration of said Municipal Order. DeFebbo commented about the need for a sidewalk in the Collegeview Drive area and the ability to repurpose unspent CDBG funds from previous years for this project. Commissioner Waltrip commended Neighborhood and Community Services Director Brent Childers for the strategy used in finding money for the project. 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 - 207 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2013 - 208

MUNICIPAL ORDER AUTHORIZING THE ACCEPTANCE OF 2014 GRANT FUNDS FROM THE APPALACHIA HIGH INTENSITY DRUG TRAFFICKING AREA (HIDTA) THROUGH THE OFFICE OF NATIONAL DRUG CONTROL POLICY IN THE AMOUNT OF \$34,000

Summary of Municipal Order No. 2013 - 208 was read by the Assistant City Manager/City Clerk. Motion was made by Hill and seconded by Williams for consideration of said Municipal Order. DeFebbo explained that these funds would be used to pay the overtime costs for two Police Officers assigned to the Bowling Green/Warren County Drug Task Force. 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 - 208 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2013 - 209

MUNICIPAL ORDER APPROVING PAYMENT IN LIEU OF TAXES (PILOT) AGREEMENTS RELATED TO THE CONSTRUCTION OF A HOTEL ON CAMPBELL LANE AND THE CONSTRUCTION OF A HOTEL IN BLOCK 12 OF THE WKU GATEWAY TO DOWNTOWN BOWLING GREEN DEVELOPMENT AREA INVOLVING THE CITY OF BOWLING GREEN, WARREN

COUNTY, THE BOWLING GREEN INDEPENDENT SCHOOL DISTRICT, THE WARREN COUNTY SCHOOL DISTRICT AND DELLISART WELLSPRING, LLC

Summary of Municipal Order No. 2013 - 209 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 recounted that a PILOT agreement was mentioned at the last Board meeting during the discussion of the Sub-developer Agreement related to the Hyatt Place Hotel development for Block 12 of the Downtown Tax Increment Financing (TIF) District. City Attorney Gene Harmon explained that the PILOT agreements were necessary since the two properties would essentially be taken off the tax rolls following the issuance of Industrial Revenue Bonds (IRB) by Warren County. He advised that the two agreements would guarantee property tax payments to the appropriate school district for the entire 20-year life of the IRB and provide property tax payments to the City and Warren County starting in year eleven (11) of the bond issue. Mr. Harmon also noted that a correction to the Municipal Order was necessary to include the appropriate owner of the Staybridge Suites located on Campbell Lane since it was different from the Hyatt Place Hotel. Motion to amend Municipal Order No. 2013 - 209 was made by Waltrip and seconded by Williams to include reference to Dellisart Investments, LLC as one of the parties to the PILOT Agreement related to the hotel located on Campbell Lane. With no discussion, a roll call vote was taken on the amendment.

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

Motion to amend Municipal Order No. 2013 - 209 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2013 - 209
(As Amended)

MUNICIPAL ORDER APPROVING PAYMENT IN LIEU OF TAXES (PILOT) AGREEMENTS RELATED TO THE CONSTRUCTION OF A HOTEL ON CAMPBELL LANE INVOLVING THE CITY OF BOWLING GREEN, WARREN COUNTY, THE BOARD OF EDUCATION OF WARREN COUNTY, KENTUCKY AND WELLSPRING INVESTMENT, LLC AND APPROVING PAYMENT IN LIEU OF TAXES (PILOT) AGREEMENT RELATED TO THE CONSTRUCTION OF A HOTEL IN BLOCK 12 OF THE WKU GATEWAY TO DOWNTOWN BOWLING GREEN DEVELOPMENT AREA INVOLVING THE CITY OF BOWLING GREEN, WARREN COUNTY, THE BOARD OF EDUCATION OF BOWLING GREEN INDEPENDENT SCHOOL DISTRICT, ~~THE WARREN COUNTY SCHOOL DISTRICT~~ AND DELLISART WELLSPRING, LLC

Following a clarification about the tax payments to be made, a roll call vote was taken on the amended Municipal Order.

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

Municipal Order No. 2013 - 209 as amended was approved by unanimous vote.

MUNICIPAL ORDER NO. 2013 - 210

MUNICIPAL ORDER APPROVING LEASE AGREEMENT WITH TOP BEST EVER, LLC RELATED TO THE LEASE OF SIXTY-NINE (69) PARKING SPACES IN THE CITY-OWNED PARKING LOT BEHIND THE PUSHIN BUILDING

Summary of Municipal Order No. 2013 - 210 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 request by the new owner, John Ridley, of the Pushin Building located at 400 Main Avenue to lease several parking spaces in the public parking lot located directly behind that building. City Attorney Gene Harmon explained that the initial term of the Lease Agreement was for five years with the ability to extend it for two additional five-year terms, for a total of 15 years. He also noted that after the first five years, the City could terminate the agreement with 180 days' notice. As part of this agreement, Mr. DeFebbo confirmed that the City would seal, restripe and renumber the parking spaces and maintain the landscape islands contained within the leased area. He further confirmed that Mr. Ridley would be responsible for signage, parking enforcement and ongoing maintenance of the spaces to keep them clean and free of litter during the term of the lease. Once the discussion ended, a roll call vote was taken.

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

Municipal Order No. 2013 - 210 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2013 - 211

MUNICIPAL ORDER AUTHORIZING USE OF DESIGNATED FUNDS FROM A NEW REVENUE SOURCE IN THE JOB DEVELOPMENT FUND FOR ECONOMIC DEVELOPMENT PURPOSES AS RECOMMENDED BY THE BOWLING GREEN AREA CHAMBER OF COMMERCE AND APPROVING AND AUTHORIZING EXECUTION OF LETTER AGREEMENT WITH CAPITAL LINK CONSULTANTS

Summary of Municipal Order No. 2013 - 211 was read by the Assistant City Manager/City Clerk. Motion was made by Waltrip and seconded by Hill for consideration of said Municipal Order. As previously discussed at the November 19th work session, DeFebbo reported that due to a recent court decision, properties owned by industrial authorities or subject to an industrial lease would now be required to pay property taxes. As proposed by the Bowling Green Area Chamber of Commerce at that work session, he explained that the City would set aside the new tax dollars (approximately \$73,300 in 2013) for economic development purposes, with \$6,000 of that money to initially be paid out as the City's share for lobbyist services from Capital Link Consultants.

Mayor Wilkerson commented that this was the City's first attempt to participate with four other entities, Warren County, Bowling Green Area Chamber of Commerce, Bowling Green Area Convention and Visitors Bureau and the Bowling Green/Warren County Regional Airport, in contracting with a lobbyist to advocate for the collective interests of the group that would benefit the community. As an example, he described one issue involving the State's Airport Economic

Development Fund, made up of money collected off of airplane fuel which was being swept into the general fund. He explained that lobbyists would advocate for the release of some of those funds to help support daily air service to benefit this community.

Both Commissioners Denning and Hill expressed concern about the potential for conflicting interests with other clients represented by Capital Link Consultants. Commissioner Hill asked if there was any way to measure if the City was getting its money's worth. Bowling Green Area Chamber of Commerce Chief Financial Officer Meredith Robinson responded that the scope of services was still being worked out, but that the group would be considering very targeted issues specific to this area. In addition, she reported that monthly briefings would be held with the lobbyist and all five local participates to track progress. She mentioned that as Bowling Green continued to grow, we needed a collective voice in Frankfort to coordinate efforts to market for money to come back to the community. Ms. Robinson remarked that there should not be anything in direct conflict with other communities; however, since they were set up with monthly payments, the agreement could be stopped at any point if the participants were not satisfied. Once the discussion ended, a roll call vote was taken.

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

Municipal Order No. 2013 – 211 was approved by unanimous vote.

CLOSED SESSION

Following a brief recess to clear the Commission Chamber, the Board of Commissioners met at approximately 7:45 p.m. in closed session pursuant to KRS 61.810 (1) (b), (c) and (k) as previously approved. Mayor Wilkerson indicated that action by the Board of Commissioners may follow the discussion.

RECONVENE IN OPEN SESSION

Once all discussion concluded in closed session, the Board of Commissioners reconvened in open session at approximately 9:13 p.m. to consider action. Motion was made by Hill and seconded by Denning to add Municipal Order No. 2013 – 212 to the agenda for consideration. With no discussion, a roll call vote was taken.

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

Motion to add Municipal Order No. 2013 – 212 to the agenda was approved by unanimous vote.

MUNICIPAL ORDER NO. 2013 – 212

MUNICIPAL ORDER AUTHORIZING THE EMPLOYMENT OF THE LAW FIRM OF COLE & MOORE, P.S.C. AND FURTHER AUTHORIZING COLE & MOORE, P.S.C., IN CONJUNCTION WITH THE CITY ATTORNEY, TO PURSUE A CIVIL ACTION AGAINST DOWNTOWN REDEVELOPMENT AUTHORITY, INC. RELATED TO CIRCUS SQUARE PARK

(Minutes-Board of Commissioners-December 17, 2013)

Summary of Municipal Order No. 2013 - 212 was read by the Assistant City Manager/City Clerk. Motion was made by Hill and seconded by Denning for consideration of said Municipal Order. 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 - 212 was approved by unanimous vote.

ADJOURNMENT

Once all discussion concluded and there being no further business to come before the Board of Commissioners, at approximately 9:15 p.m., Mayor Wilkerson declared this meeting adjourned.

ADOPTED: _____

APPROVED: _____
Mayor, Chairman of Board of Commissioners

ATTEST: _____
City Clerk

Minutes prepared by Assistant City Manager/City Clerk Katie Schaller