

**MINUTES of REGULAR MEETING
of the BOARD of COMMISSIONERS
of the CITY of BOWLING GREEN, KENTUCKY
held APRIL 17, 2012**

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 April 17, 2012. Mayor Bruce Wilkerson called the meeting to order. An invocation was given by Ken Meredith with Community Action of Southern Kentucky, 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 Bill Waltrip, Commissioner Joe W. Denning, Commissioner Melinda M. Hill, Commissioner Brian "Slim" Nash and Mayor Bruce Wilkerson. Absent: none. There was a full quorum of the Board of Commissioners.

ANNOUNCEMENTS

Mayor Wilkerson announced Arbor Day activities would be held at 9:00 a.m. on Saturday, April 21st at Kereiakes Park. He also announced two other events to be held on Saturday, April 21st, Household Hazardous Waste Day collection from 8:00 a.m. to 2:00 p.m. at WKU's South Campus on Nashville Road, and Household Electronics Recycling from 9:00 a.m. to 1:00 p.m. at the Corvette Museum.

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. Motion was made by Nash and seconded by Waltrip to convene in closed session following the regular meeting pursuant to KRS 61.810 (1) (b). Mayor Wilkerson called for roll call vote.

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

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

APPROVAL OF MINUTES

Minutes of Regular Meeting April 3, 2012

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

Motion to approve the minutes of the regular meeting of April 3, 2012 was approved by unanimous vote.

PUBLIC COMMENTS

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

REGULAR AGENDA

ORDINANCE NO. BG2012 - 8

(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 BLOCK 7 OF THE WKU GATEWAY TO DOWNTOWN BOWLING GREEN DEVELOPMENT AREA; DECLARING CITY-OWNED PROPERTIES IN BLOCK 7 OF THE DEVELOPMENT AREA SURPLUS; AND AUTHORIZING THE CONVEYANCE OF THESE PROPERTIES AND THE EXECUTION OF THE DEED AND RELATED DOCUMENTS FOR THESE PROPERTIES TO WARREN COUNTY DOWNTOWN ECONOMIC DEVELOPMENT AUTHORITY, INC. FOR ECONOMIC DEVELOPMENT PURPOSES

Title and summary of Ordinance No. BG2012 - 8 was read by the Assistant City Manager/City Clerk. Motion was made by Nash and seconded by Hill for second reading of said Ordinance. Mayor Wilkerson commented that this was the block relating to the new Dollar General development. He asked for discussion, and with none, a roll call vote was taken.

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

Ordinance No. BG2012 - 8 was adopted by unanimous vote.

MUNICIPAL ORDER NO. 2012 - 57

MUNICIPAL ORDER APPROVING THE PROBATIONARY APPOINTMENT OF W. KEMBLE JOHNSON TO THE POSITION OF CODE ENFORCEMENT INSPECTOR IN THE NEIGHBORHOOD AND COMMUNITY SERVICES DEPARTMENT

Summary of Municipal Order No. 2012 - 57 was read by the Assistant City Manager/City Clerk. Motion was made by Hill and seconded by Nash for consideration of said Municipal Order. DeFebbo indicated a recent promotion opened up this position. He reviewed the application and interview process, as well as Mr. Johnson's qualifications for appointment. Mayor Wilkerson asked for additional discussion, and with none, a roll call vote was taken.

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

Municipal Order No. 2012 - 57 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2012 - 58

MUNICIPAL ORDER APPROVING RECOMMENDATION FROM THE BOWLING GREEN AREA CONVENTION AND VISITORS BUREAU TO DISTRIBUTE \$40,000 OF TRANSIENT ROOM TAXES TO THE NATIONAL CORVETTE MUSEUM

Summary of Municipal Order No. 2012 - 58 was read by the Assistant City Manager/City Clerk. Motion was made by Denning and seconded by Hill for consideration of said Municipal Order. DeFebbo indicated funds were made available for special tourism related projects pursuant to established regulations. He reviewed the project which would create a Kid Zone at the museum to increase visitation from families with children. Mayor Wilkerson asked for additional discussion, and with none, a roll call vote was taken.

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

Municipal Order No. 2012 - 58 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2012 - 59

MUNICIPAL ORDER APPROVING AND AUTHORIZING THE MAYOR TO EXECUTE A MOTORCYCLE LEASE AGREEMENT WITH MOTOR SPORTS OF BOWLING GREEN, INC. FOR LEASE OF FOUR STANDARD POLICE PACKAGE HARLEY-DAVIDSON MOTORCYCLES FOR THE SUM OF ONE DOLLAR (\$1.00) EACH

Summary of Municipal Order No. 2012 - 59 was read by the Assistant City Manager/City Clerk. Motion was made by Nash and seconded by Hill for consideration of said Municipal Order. DeFebbo remarked this was the eighth year to have access to four new motorcycles to continue the BCPD Motor Unit. He thanked the late Cornelius Martin and the Martin family for making this opportunity available to the City. Comm. Denning also expressed appreciation to Mrs. Martin for continuing the agreement. Mayor Wilkerson asked for additional discussion, and with none, a roll call vote was taken.

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

Municipal Order No. 2012 - 59 was approved by unanimous vote.

ORDINANCE NO. BG2012 - 9

(First Reading)

ORDINANCE AMENDING CODE OF ORDINANCES

ORDINANCE AMENDING CHAPTER 2 (ADMINISTRATION) OF THE CITY OF BOWLING GREEN CODE OF ORDINANCES TO REVISE THE MEMBERSHIP OF THE GREENWAYS COMMISSION OF BOWLING GREEN AND WARREN COUNTY

Title and summary of Ordinance No. BG2012 - 9 was read by the Assistant City Manager/City Clerk. Motion was made by Nash and seconded by Hill for first reading of said Ordinance. As

sponsor of this item, Comm. Nash reviewed the request by the Greenways Commission to make some administrative changes to its bylaws. He outlined the revisions which included changing the designation of a County Magistrate to an appointment of a citizen and the change in ex-officio membership to include both the City and County Parks and Recreation Directors and Public Works Directors, as well as the Metropolitan Planning Organization (MPO) Coordinator with the Barren River Area Development District (BRADD) office.

In acknowledgment of several WKU students in attendance, Mayor Wilkerson described the functions of the MPO and Greenways Commission. He also explained that the Board of Commissioners receives its agenda in advance of the meeting, which allows the meeting to progress more efficiently. With no further discussion, a roll call vote was taken.

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

First reading of Ordinance No. BG2012 - 9 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2012 - 60

MUNICIPAL ORDER APPROVING THE DISADVANTAGED
BUSINESS ENTERPRISES (DBE) PLAN FOR THE CITY OF
BOWLING GREEN TRANSIT PROGRAM AND AUTHORIZING ITS
SUBMISSION TO THE FEDERAL TRANSPORTATION
ADMINISTRATION

Summary of Municipal Order No. 2012 - 60 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 advised that the DBE Plan related to the transit program operated by GO bg Transit was required to be submitted annually. He highlighted the main points of the Plan and recommended its approval. Mayor Wilkerson asked for additional discussion, and with none, a roll call vote was taken.

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

Municipal Order No. 2012 - 60 was approved by unanimous vote.

ORDINANCE NO. BG2012 - 10
(First Reading)
ORDINANCE RENAMING STREET

ORDINANCE APPROVING THE RENAMING OF A PORTION OF
NAVAJO DRIVE TO JEFFERSON COURT

Title and summary of Ordinance No. BG2012 - 10 was read by the Assistant City Manager/City Clerk. Motion was made by Waltrip and seconded by Nash for first reading of said Ordinance. As sponsor of the item, Comm. Waltrip recounted an issue that came up about nine months ago which caused confusion because the road had been cut off when closed at the entrance to the Shawnee neighborhood. He indicated that with the help of Public Works and the property owners involved, it was determined to rename the portion of road to help the flow of traffic and assist GPS systems. Mayor Wilkerson asked for additional discussion, and with none, a roll call vote was taken.

ROLL CALL: Voting Yea: Waltrip, Denning, Hill, Nash and Wilkerson
 Voting Nay: None
First reading of Ordinance No. BG2012 - 10 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2012 - 61

MUNICIPAL ORDER APPROVING LEASE AGREEMENT WITH JM VENTURES, LLC D/B/A THE TWISTED TAP FOR LEASE OF A PORTION OF THE PUBLIC SIDEWALK LOCATED AT 427 PARK ROW

Summary of Municipal Order No. 2012 - 61 was read by the Assistant City Manager/City Clerk. Motion was made by Hill and seconded by Nash for consideration of said Municipal Order. DeFebbo reviewed the use of public property and the need for a lease agreement. Comm. Denning inquired about the ability for individuals to leave the sidewalk to cross the park if carrying an alcoholic beverage. City Attorney Gene Harmon confirmed that it was illegal for an individual to leave the licensed premises area where the alcoholic beverage was served and he outlined the requirements to stay within the leased area. He also clarified that a portion of the sidewalk had to remain open for ADA accessibility. Mayor Wilkerson asked for additional discussion, and with none, a roll call vote was taken.

ROLL CALL: Voting Yea: Waltrip, Denning, Hill, Nash and Wilkerson
 Voting Nay: None
Municipal Order No. 2012 - 61 was approved by unanimous vote.

ORDINANCE NO. BG2012 - 11

(First Reading)

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

ORDINANCE APPROVING AMENDED AND RESTATED LOCAL PARTICIPATION AGREEMENT #3 AND AMENDED AND RESTATED MASTER DEVELOPMENT AGREEMENT #2 RELATED TO THE WKU GATEWAY TO DOWNTOWN BOWLING GREEN DEVELOPMENT AREA

Title and summary of Ordinance No. BG2012 - 11 was read by the Assistant City Manager/City Clerk. Motion was made by Nash and seconded by Hill for first reading of said Ordinance. DeFebbo indicated that in 2007 the City participated in the establishment of the Tax Increment Financing (TIF) development area. He recounted the earlier discussion at the work session about the proposed revisions to bring both documents up to date. He further clarified that these administrative changes did not materially affect the financial obligations under the TIF agreement. Mayor Wilkerson thanked everyone for getting the information together. With no other discussion, a roll call vote was taken.

ROLL CALL: Voting Yea: Waltrip, Denning, Hill, Nash and Wilkerson
 Voting Nay: None
First reading of Ordinance No. BG2012 - 11 was approved by unanimous vote.

CLOSED SESSION

Following a brief recess to clear the Commission Chamber, the Board of Commissioners met at approximately 7:25 p.m. in closed session pursuant to KRS 61.810 (1) (b) as previously approved. There was no action anticipated to following 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 7:45 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) the downtown TIF (Tax Increment Financing) activities and Amended and Restated Local Participation and Master Development Agreements related to the WKU Gateway to Downtown Bowling Green Development Area; and 2) the recommended Fiscal Year 2013 Parks and Recreation fees and charges associated with Municipal Order No. 2012 - 47, which was tabled at the previous meeting of the Board for further review.

ADOPTED: _____

APPROVED: _____
Mayor, Chairman of Board of Commissioners

ATTEST: _____
City Clerk

Minutes prepared by Assistant City Manager/City Clerk Katie Schaller