

**MINUTES of REGULAR MEETING
of the BOARD of COMMISSIONERS
of the CITY of BOWLING GREEN, KENTUCKY
held SEPTEMBER 7, 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 September 7, 2010. Mayor Elaine N. Walker called the meeting to order. An invocation was given by Lynn Hartley, 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.

REMEMBRANCE

Mayor Walker requested a moment of silence to remember J. Craig Dowell who unexpectedly passed away on August 30th. She remarked of Mr. Dowell’s dedication to the community with volunteer service on several boards, including the City-County Planning Commission, the Greenways Commission of Bowling Green and Warren County and the City-County Urban Growth Design Review Board. She also mentioned that Mr. Dowell operated the TV camera at nearly all of the Board of Commissioners meetings for the past several years, and his presence would be missed.

AWARDS & RECOGNITIONS

Mayor Walker announced that the State Street United Methodist Church recently made a contribution to pledge 800 volunteer hours to the community.

CITY MANAGER

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

APPROVAL OF MINUTES

Minutes of Regular Meeting August 17, 2010

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 Hamilton to approve said minutes. Ms. Schaller clarified a correction had been made after distribution on page 9 regarding the “stacking of school traffic.” Mayor Walker asked for any 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 August 17, 2010 was approved by unanimous vote.

PUBLIC COMMENTS

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

ORDINANCE NO. BG2010 - 29

(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 12 OF THE WKU GATEWAY TO DOWNTOWN BOWLING
GREEN DEVELOPMENT AREA WITH FERGUSON HOTEL
DEVELOPMENT, LLC

Title and summary of Ordinance No. BG2010 - 29 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: Hamilton, Nash and Wilkerson

Voting Nay: Denning and Walker

Ordinance No. BG2010 - 29 was adopted by majority vote.

MUNICIPAL ORDER NO. 2010 - 175

MUNICIPAL ORDER APPROVING THE REAPPOINTMENTS OF
MICHAEL COLEMAN, RAYNA FALLS AND MARILYN
WHITLOCK AND THE APPOINTMENT OF JULIET BANKS TO
THE HUMAN RIGHTS COMMISSION

Summary of Municipal Order No. 2010 - 175 was read by the Assistant City Manager/City Clerk. Motion was made by Wilkerson and seconded by Denning for consideration of said Municipal Order. 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

Municipal Order No. 2010 - 175 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2010 - 176

MUNICIPAL ORDER APPROVING THE APPOINTMENT OF
EMILY PERKINS SHARP TO SERVE ON THE WARREN COUNTY
DOWNTOWN ECONOMIC DEVELOPMENT AUTHORITY,
INCORPORATED

Summary of Municipal Order No. 2010 - 176 was read by the Assistant City Manager/City Clerk. Motion was made by Denning and seconded by Walker for consideration of said Municipal Order. Mayor Walker stated this appointment would fill the vacancy created with the recent resignation of Chuck Coates. She urged the Board to support the recommendation. With no further discussion, a roll call vote was taken.

ROLL CALL: Voting Yea: Denning and Walker

Voting Nay: Hamilton, Nash and Wilkerson

Municipal Order No. 2010 - 176 was defeated by majority vote. Mayor Walker apologized to Ms. Sharp who was in attendance and thanked her for her willingness to serve.

MUNICIPAL ORDER NO. 2010 - 177

MUNICIPAL ORDER APPROVING THE PROMOTIONS OF W. RAYMOND CLAYTON TO THE POSITION OF COMPANY COMMANDER/EMT AND J. MATTHEW FERGUSON TO THE POSITION OF FIRE APPARATUS OPERATOR/EMT IN THE FIRE DEPARTMENT

Summary of Municipal Order No. 2010 - 177 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 the recent retirement of Company Commander Mike Brown prompted the need for two promotions. Fire Chief Greg Johnson reviewed the qualification of the two individuals recommended for promotion. 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. 2010 - 177 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2010 - 178

MUNICIPAL ORDER APPROVING THE PROMOTION OF JAMES R. HILLARD TO THE POSITION OF PARKS FACILITY MAINTAINER SENIOR IN THE PARKS AND RECREATION DEPARTMENT

Summary of Municipal Order No. 2010 - 178 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 recent vacancy created by a resignation. In the absence of Parks and Recreation Director Ernie Gouvas, DeFebbo also reviewed the recommended promotion of Mr. Hillard. 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. 2010 - 178 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2010 - 179

MUNICIPAL ORDER APPROVING THE PROMOTION OF KYLE L. HUNT TO THE POSITION OF CIVIL ENGINEER II IN THE PUBLIC WORKS DEPARTMENT

Summary of Municipal Order No. 2010 - 179 was read by the Assistant City Manager/City Clerk. Motion was made by Wilkerson and seconded by Denning for consideration of said Municipal Order. Interim Public Works Director Katie Schaller reviewed the achieved qualification of a Professional Engineers License and recommendation for Mr. Hunt's promotion. 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. 2010 - 179 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2010 – 180

MUNICIPAL ORDER APPROVING THE PROBATIONARY APPOINTMENT OF THOMAS E. PEDIGO TO THE POSITION OF HELP DESK SPECIALIST IN THE INFORMATION TECHNOLOGY DEPARTMENT

Summary of Municipal Order No. 2010 - 180 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 described the application process and the recommendation for 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. 2010 - 180 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2010 – 181

MUNICIPAL ORDER APPROVING THE PROBATIONARY APPOINTMENT OF LAWRENCE E. WINGFIELD TO THE POSITION OF PARKS FACILITY MAINTAINER IN THE PARKS AND RECREATION DEPARTMENT

Summary of Municipal Order No. 2010 - 181 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 the promotion of Mr. Hillard, a vacancy was created. He reviewed the application process and the qualifications of the recommended candidate for 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. 2010 - 181 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2010 – 182

MUNICIPAL ORDER APPROVING THE TRANSFER OF ERNIE W. STEFF TO THE POSITION OF MASTER POLICE OFFICER IN THE POLICE DEPARTMENT

Summary of Municipal Order No. 2010 - 182 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 stated that Mr. Steff requested the transfer, and he recommended honoring the request. 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. 2010 - 182 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2010 – 183

MUNICIPAL ORDER AUTHORIZING CONTINUATION OF A PROFESSIONAL SERVICES AGREEMENT WITH MOUNTJOY CHILTON MEDLEY LLP OF LOUISVILLE, KENTUCKY FOR A CLAIMS AUDIT OF HUMANA HEALTH PLAN, INC., THE THIRD PARTY ADMINISTRATOR OF THE CITY’S EMPLOYEE MEDICAL BENEFITS PLAN, FOR AN ESTIMATED COST OF \$25,000

Summary of Municipal Order No. 2010 - 183 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 summarized the need for periodic audits of the City’s healthcare claims administration. He noted that the audit service would be performed by the City’s current external auditor and at the same price as the last audit conducted. 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. 2010 - 183 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2010 – 184

MUNICIPAL ORDER AUTHORIZING AND ACCEPTING THE PURCHASE OF PUBLIC SAFETY SOFTWARE FROM ENROUTE EMERGENCY SYSTEMS IN THE AMOUNT OF \$25,361

Summary of Municipal Order No. 2010 - 184 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 reiterated the City’s commitment to install a satellite or alternate 911 center at the Greenwood Fire Station. He indicated the purchase of software would allow a seamless transmission of data between the two Communication Center locations. 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. 2010 - 184 was approved by unanimous vote.

ORDINANCE NO. BG2010 – 30
(First Reading)
ORDINANCE REZONING REAL ESTATE

ORDINANCE REZONING A TRACT OF LAND CONTAINING 0.65 ACRES FROM RS-1A (SINGLE FAMILY RESIDENTIAL) TO HB (HIGHWAY BUSINESS) LOCATED AT 1860 CAMPBELL LANE, WITH BINDING ELEMENTS, PRESENTLY OWNED BY GARY D. AND SANDRA J. FORCE

Title and summary of Ordinance No. BG2010 - 30 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: Denning, Hamilton, Nash, Wilkerson and Walker
 Voting Nay: None

First reading of Ordinance No. BG2010 - 30 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2010 – 185

MUNICIPAL ORDER APPROVING RECOMMENDATION FROM THE BOWLING GREEN AREA CONVENTION AND VISITORS BUREAU TO DISTRIBUTE \$65,000 OF TRANSIENT ROOM TAXES TO THE KENTUCKY SOFTBALL ASSOCIATION, INC.

Summary of Municipal Order No. 2010 - 185 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 three percent of the transient room tax was allowed to be used to foment tourism projects and the Convention and Visitors Bureau recommended the use of funds to purchase three fifth wheel trailers to be used as media centers. 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. 2010 - 185 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2010 – 186

MUNICIPAL ORDER AUTHORIZING DONATION OF SURPLUS BUILDING MATERIALS AND SALVAGE RIGHTS TO HABITAT FOR HUMANITY OF BOWLING GREEN/WARREN COUNTY, INC. FOR PROPERTY LOCATED AT 618 COVINGTON STREET

Summary of Municipal Order No. 2010 - 186 was read by the Assistant City Manager/City Clerk. Motion was made by Nash and seconded by Hamilton for consideration of said Municipal Order. DeFebbo remarked that stormwater issues were discussed during the work session and there was previous action taken by the City to purchase this property for a future drainage project. Since there was usable materials available at the site, he recommended donating any surplus property and salvage rights. Comm. Nash inquired if any of the materials would be used for new home construction versus all of it going to Habitat's re-use store. Housing and Grants Manager Brent Childers confirmed that about half of the materials would be used in new housing and the other half would go to the re-store. Mr. DeFebbo thanked Mr. Childers and City Attorney Gene Harmon for their efforts in this matter. 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. 2010 - 186 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2010 – 187

MUNICIPAL ORDER APPROVING A SUBSTANTIAL AMENDMENT TO THE ANNUAL ACTION PLAN FOR YEARS 6 AND 7 FOR THE COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) ENTITLEMENT PROGRAM

Summary of Municipal Order No. 2010 – 187 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 outlined the proposed amendments for use of CDBG program funds which was discussed at the public hearing held on August 17th. 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. 2010 - 187 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2010 – 188

MUNICIPAL ORDER APPROVING AMENDMENT TO TRAFFIC FEATURE MAP RELATED TO THE INSTALLATION OF APPROPRIATE SIGNAGE AND OTHER TRAFFIC ELEMENTS TO CHANGE THE SPEED LIMIT ON CENTRAL AVENUE, SOUTHWOOD COURT AND MITCH MCCONNELL WAY FROM 25 MPH TO 35 MPH

Summary of Municipal Order No. 2010 - 188 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 noted that this item and the next two (Municipal Order Nos. 2010 -189 and 2010 – 190) all related to traffic matters. Civil Engineer Mark Absher described this specific request related to a change in speed limit in the South Industrial Park. Neighborhood Action Coordinator Karen Foley responded to a question regarding the origination of this request which included a petition from employees at various businesses located in the Industrial Park. Mr. DeFebbo remarked that he discussed this request with representatives of the Bowling Green Area Economic Development Authority and noted there were no objections to the change.

In response to further questions about the additional signage and potential for too much clutter, Mr. Absher explained that the additional signs were recommended to alert drivers of changing conditions along the roadway. Once all discussion ended, a roll call vote was taken.

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

Municipal Order No. 2010 - 188 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2010 – 189

MUNICIPAL ORDER APPROVING AMENDMENT TO TRAFFIC FEATURE MAP RELATED TO THE DESIGNATION OF A HANDICAPPED PARKING SPACE, INCLUDING INSTALLATION

OF A HANDICAP PARKING SIGN LOCATED AT 515 E. 10TH
AVENUE

Summary of Municipal Order No. 2010 - 189 was read by the Assistant City Manager/City Clerk. Motion was made by Nash and seconded by Hamilton for consideration of said Municipal Order. Civil Engineer Mark Absher reviewed the specific location for the requested handicap parking sign.

On an unrelated note, Comm. Nash requested clarification about a loading/unloading zoning designation located further up 10th Avenue at the corner of State Street and the tendency for the space to be used more as regular parking rather than just for temporary use. Mr. Absher explained that the designation for loading/unloading was appropriate and necessary for the adjacent business. He also noted that it was more of an enforcement issue with respect to the length of time a particular vehicle remained parked in that location.

With no additional discussion about the handicap signage, a roll call vote was taken.

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

Municipal Order No. 2010 - 189 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2010 – 190

MUNICIPAL ORDER APPROVING AMENDMENT TO TRAFFIC
FEATURE MAP RELATED TO THE DESIGNATION OF A
LOADING AND UNLOADING PARKING SPACE, INCLUDING
INSTALLATION OF APPROPRIATE SIGN AND MARKINGS
LOCATED AT 1017 COLLEGE STREET

Summary of Municipal Order No. 2010 - 190 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 stated this particular request was made by Chief Information Officer Lynn Hartley. Civil Engineer Mark Absher reviewed the request and specific location which would allow the Information Technology (IT) Department better access for loading and unloading equipment. He also recommended the addition of parking stall markings on the pavement to help define the actual designated location. Mr. Absher responded to a question regarding the use of this parking space for other public needs, not just for the IT Department, since it is on public right-of-way.

Since parking stalls (or cross hatches) would be marked, Comm. Wilkerson requested that the potential parking slots be maximized in that location. Mr. Absher commented that he might be able to squeeze in one more space. Comm. Nash remarked that he would like the City to enforce the existing parking requirements regardless of who may be parked there to deter continued illegally parked vehicles in front of the City Hall Annex building. Once the discussion ended, a roll call vote was taken.

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

Municipal Order No. 2010 - 190 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2010 – 191

MUNICIPAL ORDER APPROVING AGREEMENT WITH WESTERN KENTUCKY UNIVERSITY (WKU) RELATED TO INSTALLATION OF IN-STREET PEDESTRIAN SIGNS

Summary of Municipal Order No. 2010 - 191 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 this was a simple agreement regarding the maintenance responsibilities for the in-street signs which were approved for WKU to install at various crosswalk locations around campus. Comm. Wilkerson confirmed that WKU would be responsible for the signs. 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. 2010 - 191 was approved by unanimous vote.

ORDINANCE NO. BG2010 – 31

(First Reading)

ORDINANCE CREATING FRANCHISE RELATING TO TELECOMMUNICATIONS SYSTEM

ORDINANCE AUTHORIZING THE CREATION OF A NON-EXCLUSIVE FRANCHISE TO USE THE PUBLIC RIGHTS-OF-WAY OF THE CITY OF BOWLING GREEN AND WARREN COUNTY, KENTUCKY FOR THE OPERATION AND MAINTENANCE OF A TELECOMMUNICATIONS SYSTEM

Title and summary of Ordinance No. BG2010 - 31 was read by the Assistant City Manager/City Clerk. Motion was made by Wilkerson and seconded by Nash for first reading of said Ordinance. City Attorney Gene Harmon explained the need for this ordinance which related to an expired franchise agreement with Bluegrass Telecommunications. He specified that the City was required to officially create the franchise before it could award it to any successful bidder. Mr. Harmon also remarked that in past years the City received money for such franchises. However, since the Kentucky General Assembly changed the state law a few years ago with respect to telecommunication tax collections, which was not suppose to negatively impact cities, Chief Financial Officer Jeff Meisel reported that the City was losing \$100,000 to \$150,000 annually. 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

First reading of Ordinance No. BG2010 - 31 was approved by unanimous vote.

ORDINANCE NO. BG2010 – 32

(First Reading)

ORDINANCE RELATING TO PROPERTY TAX RATES

ORDINANCE SETTING 2010 PROPERTY TAX RATES, FRANCHISE TAX RATES AND IMPROVEMENT ASSESSMENT RATES, AND SETTING FORTH GUIDELINES FOR PAYMENT, PENALTY AND INTEREST

Title and summary of Ordinance No. BG2010 - 32 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 recounted that a public hearing was held at the last meeting of the Board of Commissioners regarding the proposed 2010 tax rates.

Comm. Wilkerson made a motion, seconded by Nash, to amend Ordinance No. BG2010 - 32 to change the 2010 real estate property tax rate to the same rate as 2009. Ms. Schaller clarified the rate would be changed from \$0.213 to \$0.206. With no additional discussion, a roll call vote was taken on the amendment.

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

Motion to amend first reading of Ordinance No. BG2010 - 32 to change the real estate property tax rate for 2010 from \$0.213 to \$0.206, which was the tax rate for 2008 and 2009, was approved by unanimous vote.

Comm. Nash remarked that Chief Financial Officer Jeff Meisel made a compelling argument, which had merit, at the public hearing to increase the rate based on the concept that the City must also decrease the rate in years that it exceeds four percent growth in existing real estate. However, under the current economic circumstances, he believed it was just too much to ask right now of city residents. 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

First reading of Ordinance No. BG2010 - 32 as amended was approved by unanimous vote.

MUNICIPAL ORDER NO. 2010 - 192

MUNICIPAL ORDER APPROVING AGREEMENT AMONG THE CITY, SPE II, INC. AND THE WARREN COUNTY DOWNTOWN ECONOMIC DEVELOPMENT AUTHORITY, INC. RELATED TO THE CLOSING OF A PORTION OF 14TH AVENUE

Summary of Municipal Order No. 2010 - 192 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 recounted that when discussions first began regarding the development of Blocks 12 and 14 in the WKU Gateway to Downtown Bowling Green Tax Increment Financing (TIF) District, it was made clear that the City needed to be made whole with the loss of its public asset, the closing of a portion of 14th Avenue. City Attorney Gene Harmon outlined the agreement which imposed requirements on the Authority and SPE II (subdeveloper) to plat and construct a relocated 14th Avenue by a certain timeframe or to pay the City the cost to replace the road. DeFebbo also noted the agreement required the Authority and SPE II to indemnify the City with a surety in the amount of \$175,650, which was the determined asset value for that portion of the roadway.

In response to a request for clarification regarding the closing of the road, David Butler of Alliance Corporation (Master Developer) confirmed that the existing roadway would be closed and relocated as part of the development. Mr. Harmon also confirmed that permanent closure of the existing roadway was required before it could be relocated as new right-of-way. 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. 2010 - 192 was approved by unanimous vote.

ORDINANCE NO. BG2010 - 5
(Second Reading)
ORDINANCE CLOSING A PUBLIC RIGHT-OF-WAY

ORDINANCE APPROVING THE CLOSING OF A PORTION OF 14TH
AVENUE AND AN UNUSED ALLEY, LOCATED BETWEEN
CENTER STREET AND KENTUCKY STREET

Title and summary of Ordinance No. BG2010 - 5 was read by the Assistant City Manager/City Clerk. Motion was made by Wilkerson and seconded by Nash for second reading of said Ordinance. City Attorney Gene Harmon specified the first reading of this ordinance occurred on January 5, 2010 and was now ready for second reading. He indicated that a fully executed agreement related to the closing of 14th Avenue (referring to Municipal Order No. 2010 - 192) was required before this ordinance would be published and recorded with the Warren County Clerk for permanent and effective closure. 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
Ordinance No. BG2010 - 5 was adopted by unanimous vote.

ADJOURNMENT

There being no further business to come before the Board of Commissioners, at approximately 8:00 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) presentation of progress on the Southern Kentucky Performing Arts Center, Inc. (SKyPAC) construction project and future revenue projections; 2) the proposed Stormwater Mitigation Program; and 3) the proposed Housing and Community Development Code Enforcement Policy for Repeat Offenders.

ADOPTED: _____

APPROVED: _____
Mayor, Chairman of Board of Commissioners

ATTEST: _____
City Clerk