

**MINUTES of SPECIAL MEETING  
of the BOARD of COMMISSIONERS  
of the CITY of BOWLING GREEN, KENTUCKY  
held JUNE 27, 2011**

The Board of Commissioners of the City of Bowling Green, Kentucky met in special session in the Commission Chamber of City Hall, Bowling Green, Kentucky at 4:00 p.m. on June 27, 2011. Mayor Joe W. Denning called the meeting to order and welcomed everyone. Assistant City Manager/City Clerk Katie Schaller called the roll, and the following members were present: Commissioner Bruce Wilkerson, Commissioner Melinda M. Hill, Commissioner Brian "Slim" Nash, Commissioner Bill Waltrip and Mayor Joe W. Denning. Absent: none. There was a full quorum of the Board of Commissioners.

**MUNICIPAL ORDER NO. 2011 – 137**

**MUNICIPAL ORDER CONFIRMING ACTION TAKEN FROM THE  
FLOOR AT THE JUNE 21, 2011 REGULAR MEETING OF BOARD  
OF COMMISSIONERS RELATED TO THE DOWNTOWN PARKS  
MANAGEMENT AGREEMENT WITH THE DOWNTOWN  
REDEVELOPMENT AUTHORITY (DRA)**

Summary of Municipal Order No. 2011 - 137 was read by the Assistant City Manager/City Clerk. Motion was made by Nash and seconded by Wilkerson for consideration of said Municipal Order. City Attorney Gene Harmon explained the requirement that any official action taken by the Board of Commissioners must be presented in the form of a municipal order, resolution or ordinance to comply with all adopted rules and procedures. As such, he stated that this item was a follow up to confirm the action taken from the floor at the previous meeting and to provide an official historical record. He further explained that the Downtown Parks Management Agreement contained a 60-day cancellation clause and the action taken by the Board directed staff to initiate termination procedures. He stated that a letter was ready to be sent to DRA to provide notice of termination by the City.

In conjunction with his comments at the June 21<sup>st</sup> meeting, Comm. Waltrip stated that he would rather see DRA keep this particular function and it not be moved back to the City. Mayor Denning agreed and said that this agreement should stay with DRA until such time that DRA was phased out or no longer existed. He also stated that DRA has been scrutinized more than any agency in the 18-20 years that he has served on the Board of Commissioners.

Comm. Hill thanked DRA for all the work it has done for the City and the downtown. However, she stated that in her view she hoped that with the City taking over these responsibilities (the scheduling and management of the downtown parks) that would give DRA more time to focus on the downtown and to bring more businesses there, including the ability to do what was needed to make the downtown even better than it is today. She also verified that this action did not address any appropriation amount which would be discussed later on the agenda. Once all discussion ended, a roll call vote was taken.

ROLL CALL:           Voting Yea:   Wilkerson, Hill and Nash

                          Voting Nay:   Waltrip and Denning

Municipal Order No. 2011 - 137 was approved by majority vote.

**ORDINANCE NO. BG2011 – 27  
(Second Reading)**

ORDINANCE RENAMING STREET

ORDINANCE APPROVING THE RENAMING OF A PORTION OF  
GREENWOOD LANE AND GATOR DRIVE TO BLUEGRASS  
FARMS BOULEVARD

Title and summary of Ordinance No. BG2011 - 27 was read by the Assistant City Manager/City Clerk. Motion was made by Wilkerson and seconded by Nash for second reading of said Ordinance. As a follow up to a question Mayor Denning asked at the previous meeting regarding whether or not Greenwood High School was consulted about this name change, he stated that a street name identified with a particular school, such as Gator Drive, was important to that school and there would generally be some discussion when a street was named after a school. In that regard, he again asked if the school had been notified of the proposed name change.

Public Works Director Jeff Lashlee responded that since the school was not addressed on this portion of the road, there was no requirement to notify the school. However, he pointed out that the school was very much involved in the development of the Greenwood Lane extension project, and for continuity of the road system staff recommended the name change. Mr. Lashlee acknowledged that Gator Drive would no longer exist with this renaming. He also acknowledged that notification was given to only those individuals whose addresses were impacted.

Former City Commissioner Jim Bullington, and developer when Gator Drive roadway was put in place, said he thought the school should have a say in the name change since the school property touched that portion of the road. Mr. Lashlee agreed that there was a drainage area on the property owned by the school which touched Gator Drive, but the school's Scottsville Road address was not affected by the change. With no additional discussion, a roll call vote was taken.

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

Ordinance No. BG2011 - 27 was adopted by unanimous vote.

ORDINANCE NO. BG2011 – 28  
(Second Reading)

ORDINANCE ADOPTING ANNUAL CITY BUDGET

ORDINANCE ADOPTING THE CITY OF BOWLING GREEN,  
KENTUCKY ANNUAL OPERATING BUDGET FOR FISCAL YEAR  
BEGINNING JULY 1, 2011 AND ENDING JUNE 30, 2012, BY  
ESTIMATING REVENUES AND APPROPRIATING FUNDS FOR  
THE OPERATION OF CITY GOVERNMENT

Title and summary of Ordinance No. BG2011 - 28 was read by the Assistant City Manager/City Clerk. Motion was made by Wilkerson and seconded by Waltrip for second reading of said Ordinance. Comm. Waltrip requested confirmation that the budget ordinance did not specifically identify line item budget details but rather totals by category. Ms. Schaller confirmed that was the intent. Mayor Denning asked for discussion, and with none, a roll call vote was taken.

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

Ordinance No. BG2011 – 28 was adopted by unanimous vote.

ORDINANCE NO. BG2011 – 29

(Second Reading)

ORDINANCE RELATING TO CLASSIFICATION/PAY SCHEDULES AND POLICY AMENDMENT

ORDINANCE AMENDING THE CLASSIFICATION/PAY SCHEDULES “G” FOR GENERAL CLASSIFIED, “S” FOR PROTECTIVE/SWORN, “D” FOR DEPARTMENT HEAD/MANAGEMENT, AND “U” FOR UNCLASSIFIED PART-TIME EMPLOYEES, AND AUTHORIZING PAY INCREASES AND RELATED POLICY AMENDMENTS FOR FISCAL YEAR 2012

Title and summary of Ordinance No. BG2011 - 29 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 Denning asked for discussion, and with none, a roll call vote was taken.

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

Ordinance No. BG2011 - 29 was adopted by unanimous vote.

ORDINANCE NO. BG2011 – 30

(Second Reading)

ORDINANCE AMENDING CODE OF ORDINANCES

ORDINANCE AMENDING CHAPTER 2 (ADMINISTRATION) OF THE CITY OF BOWLING GREEN CODE OF ORDINANCES TO UPDATE DEPARTMENTAL DESCRIPTIONS AND TO MAKE OTHER RELATED CHANGES

Title and summary of Ordinance No. BG2011 - 30 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 Denning asked for discussion, and with none, a roll call vote was taken.

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

Ordinance No. BG2011 - 30 was adopted by unanimous vote.

ORDINANCE NO. BG2011 – 31

(Second Reading)

ORDINANCE AMENDING CODE OF ORDINANCES

ORDINANCE AMENDING CHAPTER 22 (TRAFFIC AND MOTOR VEHICLES) OF THE CITY OF BOWLING GREEN CODE OF ORDINANCES TO EXEMPT CERTAIN SPECIAL EVENTS FROM SERVICE COSTS RELATED TO THE USE OF POLICE SERVICES FOR THE SPECIAL EVENTS

Title and summary of Ordinance No. BG2011 - 31 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 Denning asked for discussion, and with none, a roll call vote was taken.

ROLL CALL:           Voting Yea:   Wilkerson, Hill, Nash, Waltrip and Denning  
                          Voting Nay:   None  
Ordinance No. BG2011 - 31 was adopted by unanimous vote.

ORDINANCE NO. BG2011 – 32  
(Second Reading)  
ORDINANCE AMENDING CODE OF ORDINANCES

ORDINANCE AMENDING CHAPTER 19 (POLICE) OF THE CITY OF  
BOWLING GREEN CODE OF ORDINANCES TO MAKE  
ADMINISTRATIVE CHANGES

Title and summary of Ordinance No. BG2011 - 32 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 Denning asked for discussion, and with none, a roll call vote was taken.

ROLL CALL:           Voting Yea:   Wilkerson, Hill, Nash, Waltrip and Denning  
                          Voting Nay:   None  
Ordinance No. BG2011 - 32 was adopted by unanimous vote.

MUNICIPAL ORDER NO. 2011 – 138

MUNICIPAL ORDER AUTHORIZING AND ACCEPTING BID #2011-  
21 FOR FISCAL YEAR 2011 OVERLAY FROM SCOTTY'S  
CONTRACTING AND STONE, LLC OF BOWLING GREEN,  
KENTUCKY BASED ON UNIT PRICES IN THE AMOUNT NOT TO  
EXCEED \$811,000

Summary of Municipal Order No. 2011 - 138 was read by the Assistant City Manager/City Clerk. Motion was made by Wilkerson and seconded by Hill for consideration of said Municipal Order. DeFebbo indicated that with funds (Liquid Fuel Tax monies) received from the State, it was the City's intent to annually repave selected streets based on a scientific analysis determining need and priority. He pointed out that since the bid came in well under budget, additional streets would be added to the original list up to the budgeted amount. Mayor Denning asked for additional discussion, and with none, a roll call vote was taken.

ROLL CALL:           Voting Yea:   Wilkerson, Hill, Nash, Waltrip and Denning  
                          Voting Nay:   None  
Municipal Order No. 2011 - 138 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2011 – 139

MUNICIPAL ORDER AMENDING PROCEDURES RELATING TO  
ANNUAL FUNDING OF NONPROFIT ENTITIES RECEIVING CITY  
APPROPRIATIONS AND APPROVING A FISCAL YEAR 2012  
AGENCY APPROPRIATION FOR THE DOWNTOWN  
REDEVELOPMENT AUTHORITY (DRA) IN THE AMOUNT OF  
\$29,185

Summary of Municipal Order No. 2011 - 139 was read by the Assistant City Manager/City Clerk. Motion was made by Waltrip and seconded by Wilkerson for consideration of said Municipal

Order. Comm. Hill indicated that based on the discussion that took place at the end of the previous meeting and after having another week to think about funding for DRA, she recommended that the total amount for Fiscal Year 2012 be reduced by \$7,000 and that those funds be given to the department that will be taking on the scheduling and management of the downtown parks since the management agreement with DRA would be terminated.

Upon clarification of how the Board should proceed, Comm. Hill made a motion, seconded by Wilkerson, to amend Municipal Order No. 2011 – 139 to change the agency appropriation amount to \$22,185, a reduction of \$7,000 to be used to cover part of the expenditures to be incurred by the department that will take over the management of the parks.

While he would rather see DRA receive the full \$29,185, Comm. Waltrip stated he understood that \$22,185 was better than zero for this next fiscal year. Mayor Denning concurred and acquiesced that it was unlikely the full amount of funding would be approved by a majority of the Board.

Interim DRA Director Brian Garner thanked the Board for all the time put in on this issue. As a volunteer organization that provides a service to the community and to the City, he understood the opinions of the Board regarding the decision to remove the parks management from DRA. He surmised that it was not a decision easily made for some of the Board members. Mr. Garner expressed frustration that if the Master Developer and WKU Gateway to Downtown Bowling Green Tax Increment Financing (TIF) District agreements had been adhered to as ratified by the City and Warren County with regard to providing funding to renovate and lease 601 State Street, the issue of agency funding for DRA could have been resolved a long time ago.

Comm. Hill remarked that this piece of the budget process has been the most difficult. After participating in this process, she indicated that her heart goes out to all agencies because it seems that every two years the rules change for them. Although she had wanted DRA to receive funding all along, Comm. Hill stated she just was not sure of the amount. As a part of the Board of Commissioners, she viewed her job was to make a decision based on the information received that would be fair to DRA and to the City, which was why she proposed that DRA receive the majority of the recommended funding.

Comm. Waltrip reiterated that if this was the only way to come to an agreement then he would support the amendment of reduced funding. He remarked that everyday was an important day for economic development and the things the Board was tasked with doing, particularly in the downtown area. He asserted that there were at least four entities involved in that process and DRA was the fourth component with the City, County and Chapter 58 Corporation. As an important aspect of revitalizing downtown and moving that forward, he expressed discontent with making a significant change that would diminish DRA's involvement in that effort.

Comm. Nash requested clarification regarding the small change in the amount because the agreement to end the parks contract had nothing to do with this particular amount of funding, which was for administration of the Kentucky Renaissance Program and coordination of downtown redevelopment. He expressed confusion regarding what the taxpayer or City would get for that amount of money. Former City Commissioner and member of the DRA Board Jim Bullington responded that the value the City was getting for its money, including DRA's continuing efforts to work with many clients interested in downtown redevelopment projects, development and updating of a website established by DRA that promotes and brings interest to the downtown, continuing the parks management for the next 60 days and receiving private donations for orchestrating the concerts in the park. Comm. Nash reiterated that concerts in the park had nothing to do with this Municipal Order, which related to only two things –

Renaissance administration and downtown coordination. He asked Mr. Bullington to comment about the clients DRA was working with and to provide some details. Mr. Bullington indicated that he could not speak to specifics since client information and potential development projects were still confidential at this time. He did, however, state that most clients who have expressed interest through DRA in development of TIF Blocks have no interest in working with Alliance Corporation as the designated Master Developer. He said that developers have walked away because of the fee structure put in place. Mr. Bullington also remarked about the potential for Renaissance money to suddenly become available and he did not want to see Bowling Green give up its Gold status in that program. Comm. Nash stated that he never argued about the contributions DRA has made to downtown revitalization and that the City had no intention of giving up its designation in the Kentucky Renaissance Program. He remarked that DRA's services were no longer needed to maintain certification in the Renaissance Program since the City could do that in-house and there was no need for continued duplication with the Chapter 58 Corporation working on downtown redevelopment.

Mr. Garner once again expressed appreciation to the Board and reiterated his comments that when the Master Developer Agreement was put together, funds were to come back to DRA for renovation and lease of 601 State Street. He argued that if the City would uphold that agreement, DRA could become self-sufficient and self-reliant. He urged the Board to hold the Master Developer to the same scrutiny as DRA has been given.

Following clarification of the motion to amend currently under debate, Comm. Waltrip stated that he believed the coordination of downtown redevelopment was important and he thought DRA should have a role in those efforts. He once again stated he would support this motion to amend since he did not think full funding would pass.

Comm. Hill confirmed her motion to amend included the reduction in the appropriation amount and the use of the difference in that amount to go toward the personnel taking on the management of the parks. Comm. Wilkerson suggested that the adjustment to personnel be at the City Manager's discretion and Comm. Hill agreed. Once the discussion ended, a roll call vote was taken.

ROLL CALL:           Voting Yea:   Wilkerson, Hill, Waltrip and Denning  
                          Voting Nay:   Nash

Motion to amend Municipal Order No. 2011 - 139 to reduce the agency appropriation amount from \$29,185 to \$22,185 and to redirect the \$7,000 difference to the department that would be taking on the expense for the downtown parks management was approved by majority vote.

With no additional discussion, a roll call vote was taken on the Municipal Order as amended.

ROLL CALL:           Voting Yea:   Wilkerson, Hill, Waltrip and Denning  
                          Voting Nay:   Nash

Municipal Order No. 2011 - 139 as amended was approved by majority vote.

**MUNICIPAL ORDER NO. 2011 – 140**

**MUNICIPAL ORDER AMENDING PROCEDURES RELATING TO ANNUAL FUNDING OF NONPROFIT ENTITIES RECEIVING CITY APPROPRIATIONS AND APPROVING A FISCAL YEAR 2012 AGENCY APPROPRIATION FOR COMMUNITY ACTION OF SOUTHERN KENTUCKY - CHILD SERVICES IN THE AMOUNT OF \$24,125**

Summary of Municipal Order No. 2011 - 140 was read by the Assistant City Manager/City Clerk. Motion was made by Wilkerson and seconded by Waltrip for consideration of said Municipal Order. Mayor Denning asked for additional discussion, and with none, a roll call vote was taken.

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

Municipal Order No. 2011 - 140 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2011 – 141

MUNICIPAL ORDER APPROVING APPROPRIATIONS FOR  
VARIOUS CITY CREATED / CONTRACT AGENCIES FOR FISCAL  
YEAR 2012

Summary of Municipal Order No. 2011 - 141 was read by the Assistant City Manager/City Clerk. Motion was made by Wilkerson and seconded by Nash for consideration of said Municipal Order. Mayor Denning asked for additional discussion, and with none, a roll call vote was taken.

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

Municipal Order No. 2011 - 141 was approved by unanimous vote.

CLOSED SESSION

With no action expected to follow, City Manager Kevin D. DeFebbo requested a closed session for the purpose of discussion which might lead to the discipline or dismissal of an individual employee without restricting that employee’s right to a public hearing if requested. Motion was made by Wilkerson and seconded by Waltrip to convene in closed session pursuant to KRS 61.810 (1) (f). Denning called for roll call vote.

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

Motion to convene in closed session pursuant to KRS 61.810 (1) (f) was approved by unanimous vote. Following a brief recess to clear the Commission Chamber, the Board of Commissioners met at approximately 4:50 p.m. in closed session.

ADJOURNMENT

Once all discussion concluded in closed session and there being no further business to come before the Board of Commissioners, at approximately 5:15 p.m., Mayor Denning declared this meeting adjourned.

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

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

*(Minutes-Board of Commissioners-June 27, 2011)*

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

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