

**MINUTES of REGULAR MEETING  
of the BOARD of COMMISSIONERS  
of the CITY of BOWLING GREEN, KENTUCKY  
held JULY 20, 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 July 20, 2010. Mayor Elaine N. Walker called the meeting to order. An invocation was given by City Manager Kevin D. DeFebbo, 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.

**AWARDS & RECOGNITIONS**

Operation P.R.I.D.E. Executive Director Ray Lackey presented P.R.I.D.E.'s July commercial award to Greenwood Mall/General Growth located at 2625 Scottsville Road. General Manager Heidi Olsen and Office Manager Shelli Rose accepted the award and expressed their appreciation. Mr. Lackey presented Director Dennis Chaney with the August commercial award for Barren River District Health Department located at 1109 State Street.

Mr. Lackey also announced the upcoming fundraiser event planned at The Club at Olde Stone - *Olde Stone Run for P.R.I.D.E.* - to be held on August 20-21, 2010. The event includes a pasta dinner on August 20<sup>th</sup> and a 5K run/walk on August 21<sup>st</sup>.

Mayor Walker stated the Finance Department was awarded a Certificate of Achievement for Excellence in Financial Reporting for the Fiscal Year 2009 Comprehensive Annual Financial Report (CAFR) from the Government Finance Officers Association of the United States and Canada. Chief Financial Officer Jeff Meisel commented about the dedication of his staff and thanked them for all their hard work.

**CITY MANAGER**

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

**APPROVAL OF MINUTES**

Minutes of Regular Meeting July 6, 2010

Minutes of the above-referenced meeting were distributed to the Board of Commissioners with the Agenda for their review. Motion was made by Denning and seconded by Walker to approve said minutes as written. Mayor Walker asked for discussion, and with none, a roll call vote was taken.

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

Motion to approve the minutes of the regular meeting of July 6, 2010 was approved by majority vote.

PUBLIC COMMENTS

Former City Commissioner Jim Bullington of 1923 Cedar Ridge Road provided a handout which he read regarding Alliance Corporation's responsibilities as Master Developer under the Master Developer Agreement for the WKU Gateway to Downtown Bowling Green Tax Increment Financing (TIF) District. Mr. Bullington expressed concerns that Alliance Corporation was not following through with its responsibilities under the agreement and cited language contained in various exhibits to the Master Developer Agreement to illustrate his point. He further outlined the revenue and expenditure activity to date with the developments in TIF Blocks 4, 6 and 12 and compared it with the controversy that surrounded the convention center project's public accounting activities. Mr. Bullington urged that the planned parking garage needed to be built in Block 6, as originally intended, instead of in Block 12, and the master developer needed to fund private project development as promised and as contractually agreed.

ORDINANCE NO. BG2010 - 21

(Second Reading)

ORDINANCE RELATING TO CLASSIFICATION/PAY SCHEDULE

ORDINANCE AMENDING THE CLASSIFICATION/PAY SCHEDULE "G" FOR GENERAL CLASSIFIED EMPLOYEES OF THE CITY OF BOWLING GREEN FOR FISCAL YEAR 2011

Title and summary of Ordinance No. BG2010 - 21 was read by the Assistant City Manager/City Clerk. Motion was made by Wilkerson and seconded by Hamilton for second 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

Ordinance No. BG2010 - 21 was adopted by unanimous vote.

ORDINANCE NO. BG2010 - 22

(Second Reading)

ORDINANCE CLOSING A PUBLIC RIGHT-OF-WAY

ORDINANCE APPROVING THE CLOSING OF A PORTION OF AN ALLEY BETWEEN 14<sup>TH</sup> AVENUE AND 15<sup>TH</sup> AVENUE

Title and summary of Ordinance No. BG2010 - 22 was read by the Assistant City Manager/City Clerk. Motion was made by Wilkerson and seconded by Hamilton for second 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

Ordinance No. BG2010 - 22 was adopted by unanimous vote.

ORDINANCE NO. BG2010 - 23  
(Second Reading)  
ORDINANCE REZONING REAL ESTATE

ORDINANCE AMENDING ORDINANCE NO. BG2010-15 WHICH REZONED A TRACT OF LAND CONTAINING 0.3472 ACRES FROM RS-1A (SINGLE FAMILY RESIDENTIAL) TO RS-1D (SINGLE FAMILY RESIDENTIAL) LOCATED AT 1824 NORMAL STREET, WITH BINDING ELEMENTS, PRESENTLY OWNED BY ANDREW AND MEREDITH KOON TO CORRECT THE SIZE OF THE PROPERTY BEING REZONED TO 0.2385 ACRES

Title and summary of Ordinance No. BG2010 - 23 was read by the Assistant City Manager/City Clerk. Motion was made by Wilkerson and seconded by Hamilton for second 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

Ordinance No. BG2010 - 23 was adopted by unanimous vote.

ORDINANCE NO. BG2010 - 24  
(Second Reading)  
ORDINANCE ANNEXING PROPERTY BY CONSENT

ORDINANCE ANNEXING 3.22 ACRES OF GREENWOOD LANE RIGHT-OF-WAY, WITH PROPERTY PRESENTLY OWNED BY WARREN COUNTY, KENTUCKY AND SAID TERRITORY BEING CONTIGUOUS TO EXISTING CITY LIMITS

Title and summary of Ordinance No. BG2010 - 24 was read by the Assistant City Manager/City Clerk. Motion was made by Wilkerson and seconded by Hamilton for second 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

Ordinance No. BG2010 - 24 was adopted by unanimous vote.

MUNICIPAL ORDER NO. 2010 - 141

MUNICIPAL ORDER AUTHORIZING ADOPTION OF THE REVISED CITY OF BOWLING GREEN PUBLIC SAFETY PROMOTIONAL PROCEDURES

Summary of Municipal Order No. 2010 - 141 was read by the Assistant City Manager/City Clerk. Motion was made by Hamilton and seconded by Denning for consideration of said Municipal Order. Human Resources and Risk Management Director J. Michael Grubbs provided an overview of the promotional process and procedures adopted for public safety personnel. He outlined the primary changes which included a new subsection (3-3) to provide flexibility with testing for certain ranks in a year, a revision to promotion procedures (7-1) to specify which eligibility list would be used when a

retirement occurs on June 1<sup>st</sup> for Police and November 1<sup>st</sup> for Fire, and a new subsection (7-3) regarding positions that are held vacant for an extended period of time.

Comm. Nash inquired if there was any reason this issue could not be postponed. Mr. Grubbs indicated it would be desirable to have the changes in place by the end of July before Fire promotional testing began, but otherwise, there was no reason. Comm. Nash explained that he had heard from several employees who indicated they did not know about the proposed changes before the meeting. He further explained that he would like to propose the issue be held over for a special call meeting later in the week to allow time for those employees to review the changes and comment if they wish. Mayor Walker requested the special call meeting be held this week, and Comm. Nash concurred.

Comm. Wilkerson requested clarification regarding the procedure if a position became vacant for which testing was not done. Mr. Grubbs responded that the proposed language says that we would go back to the most recent eligibility list first and if there was an eligible candidate on that list, the Chief should consider that first. Otherwise, if there were no eligible candidates on the list, the Chief could name a temporary fill-in until such time testing could be completed and a new eligibility list became available.

Retired Deputy Fire Chief Oscar Cherry of 1104 Calico Court commented that after he read an article in the newspaper about these changes, he contacted some of the fire and police personnel and none of them knew this was happening. He remarked that there had always been a committee of employees that helped determine changes to the procedures. He argued that there was very little savings to be achieved by not testing and the best way to get employees prepared for promotion was to test each year regardless of vacancy. Mr. Cherry asked that the item be tabled to give the Fraternal Order of Police and the Firefighters Association an opportunity to look through the changes and see what was acceptable to them or at least have some input into it.

Comm. Nash made a motion, seconded by Hamilton, to table Municipal Order No. 2010 -141 to allow more time for employees to review the proposed changes. He suggested that the item be placed on a special meeting agenda for 3:00 p.m. on Friday, July 23<sup>rd</sup>. With no further discussion, a roll call vote was taken.

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

Motion to table Municipal Order No. 2010 - 141 was approved by unanimous vote.

**MUNICIPAL ORDER NO. 2010 – 142**

**MUNICIPAL ORDER APPROVING THE TRANSFER OF KAY W. HAYES TO THE POSITION OF OFFICE ASSOCIATE / INSPECTIONS SUPPORT SPECIALIST IN THE HOUSING AND COMMUNITY DEVELOPMENT DEPARTMENT AND APRIL P. STARNES TO THE POSITION OF HELP DESK SPECIALIST IN THE INFORMATION TECHNOLOGY DEPARTMENT**

Summary of Municipal Order No. 2010 – 142 was read by the Assistant City Manager/City Clerk. Motion was made by Denning and seconded by Nash for consideration of said Municipal Order. DeFebbo recounted that part of this item dealing with Housing and Community Development was discussed at the previous Board meeting in conjunction with first reading of Ordinance No.

BG2010 – 21. He noted this action effectuated needed organizational chart changes. 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 - 142 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2010 – 143

MUNICIPAL ORDER APPROVING THE PROBATIONARY APPOINTMENT OF THEODORE L. WEBB TO THE POSITION OF CODE ENFORCEMENT / ELECTRICAL INSPECTOR IN THE HOUSING AND COMMUNITY DEVELOPMENT DEPARTMENT

Summary of Municipal Order No. 2010 - 143 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 recounted that this item was also discussed at the previous Board meeting in conjunction with first reading of Ordinance No. BG2010 – 21. He recommended the rehiring of Mr. Webb, who was among the lay-offs in February, to continue in a joint roll until electrical inspections increased, at which time the combined position would be reevaluated.

Comm. Nash reiterated a previous request that salary amounts be included in the backup documentation for reference. Ms. Schaller acknowledged and agreed. 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 - 143 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2010 – 144

MUNICIPAL ORDER AUTHORIZING AND ACCEPTING BID #2010-43 FOR SLOAN CONVENTION CENTER CHAIRS FROM MTS SEATING OF TEMPERANCE, MICHIGAN IN THE AMOUNT NOT TO EXCEED \$120,000

Summary of Municipal Order No. 2010 - 144 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 Walker stated The Convention Center Corporation Board of Directors met earlier in the day and approved the purchase. She 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 - 144 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2010 – 145

MUNICIPAL ORDER APPROVING OUT OF TOWN TRAVEL EXPENSES FOR MAYOR ELAINE N. WALKER TO ATTEND THE

U.S. CONFERENCE OF MAYORS IN OKLAHOMA CITY,  
OKLAHOMA AND AUTHORIZING REIMBURSEMENT

Summary of Municipal Order No. 2010 - 145 was read by the Assistant City Manager/City Clerk. Motion was made by Wilkerson and seconded by Hamilton for consideration of said Municipal Order. Mayor Walker stated this travel was during the last fiscal year which ended June 30<sup>th</sup>. She asked for additional discussion, and with none, a roll call vote was taken.

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

Municipal Order No. 2010 - 145 was approved by majority vote.

MUNICIPAL ORDER NO. 2010 - 146

MUNICIPAL ORDER AUTHORIZING AND APPROVING THE  
ANNUAL DUES PAYMENT IN THE AMOUNT OF \$27,122 TO  
BARREN RIVER AREA DEVELOPMENT DISTRICT (BRADD) FOR  
FISCAL YEAR 2011

Summary of Municipal Order No. 2010 - 146 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 specified this was an annual action and the dues amount was calculated based on a 50 cent per capita formula. 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 - 146 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2010 - 147

MUNICIPAL ORDER APPROVING RECOMMENDATION FROM  
THE BOWLING GREEN AREA CONVENTION AND VISITORS  
BUREAU TO DISTRIBUTE \$6,384 OF TRANSIENT ROOM TAXES  
TO THE BOWLING GREEN TECHNICAL COLLEGE  
FOUNDATION, INC.

Summary of Municipal Order No. 2010 - 147 was read by the Assistant City Manager/City Clerk. Motion was made by Wilkerson and seconded by Nash for consideration of said Municipal Order. Bowling Green Area Convention and Visitors Bureau Executive Director Vicki Fitch provided an overview of the recommendation to fund the installation of a professional disc golf course, more specifically the disc catch baskets. She remarked the additional course would bring more tournaments to the area and keep them in Bowling Green and Warren County, in addition to developing collegiate tournaments. 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 - 147 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2010 - 148

MUNICIPAL ORDER AUTHORIZING AN AMENDMENT TO THE AGREEMENT BETWEEN THE CITY OF BOWLING GREEN AND BELLEWOOD PRESBYTERIAN HOMES FOR CHILDREN, INC. FOR THE BELLEWOOD INDEPENDENT LIVING PROGRAM

Summary of Municipal Order No. 2010 - 148 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 explained that funds were allocated in the Year Six Community Development Block Grant Action Plan to Bellewood for the purchase of property. Now that the property was purchased, he reported that Bellewood was requesting the use of remaining funds (under spending) in the amount of \$7,500 to make renovations to the building. Mayor Walker asked for additional discussion, and with none, a roll call vote was taken.

ROLL CALL:           Voting Yea: Denning, Hamilton, Wilkerson and Walker  
                          Voting Nay: None  
                          Abstaining: Nash (conflict of interest as employee of Bellewood Presbyterian Homes for Children, Inc.)

Municipal Order No. 2010 - 148 was approved by majority vote.

MUNICIPAL ORDER NO. 2010 - 149

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 1107 HIGH STREET

Summary of Municipal Order No. 2010 - 149 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 noted that this item and the next (Municipal Order No. 2010 - 150) both dealt with the designation of on-street handicap parking spaces.

Civil Engineer Mark Absher described the two locations, which were on the same street about three blocks apart, requested to be identified as handicap parking spaces. He noted that since both locations were not otherwise marked for parking, there were no issues related to ADA requirements. Mr. Absher also confirmed that if the individual who requested the designated parking space moved, the handicap parking designation could also be removed. Mayor Walker affirmed that the parking was not limited to the individual resident, but was open to any person to use who had a handicap parking tag. Mr. Absher responded that the residents were made aware of that condition. 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 - 149 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2010 – 150

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 1302 HIGH STREET

Summary of Municipal Order No. 2010 - 150 was read by the Assistant City Manager/City Clerk. Motion was made by Nash and seconded by Hamilton for consideration of said Municipal Order. This item was discussed with the previous item (Municipal Order No. 2010 - 149) relating to an identical type of 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 - 150 was approved by unanimous vote.

ORDINANCE NO. BG2010 – 25

(First 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 Hamilton and seconded by Wilkerson for first reading of said Ordinance. City-County Planning Commission Planner Jonathan Britt and Attorney Keith Carwell, representing the parties involved, responded to questions from the Board about Binding Element #12, which dealt with access to the triangular tract (Block 7). Comm. Wilkerson expressed concern about the City's ability to enforce that binding element and wanted to have some clarity about the restriction. Mr. Britt stated the true intent was to not allow any access on 7<sup>th</sup> Avenue, but rather only permit access from 6<sup>th</sup> Avenue and/or Center Street. Mr. Carwell confirmed the limited access requirement and noted he was willing to amend the binding element to specify "no access off 7<sup>th</sup> Avenue."

Comm. Nash requested an update regarding the redevelopment of the old Peoples Hardware building. Mr. Carwell reported that there was a plan for ArtWorks, a non-profit organization, to renovate the building, and if it was not done or substantially completed in a year, it would be demolished. Mayor Walker commented that a portion of the building had already fallen down. Upon



request by Comm. Nash, Mr. Carwell reconfirmed that the binding elements provided that the structure would be demolished if not renovated to an acceptable condition. Once the discussion ended, 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 - 25 was approved by unanimous vote.

ORDINANCE NO. BG2010 - 26  
(First 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 Wilkerson and seconded by Nash 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 - 26 was approved by unanimous vote.

BOARD OF COMMISSIONERS COMMENTS

As previously stated earlier in the meeting, Commissioner Nash specifically requested the Board schedule a special meeting at 3:00 p.m. on Friday, July 23, 2010 to consider Municipal Order No. 2010 - 141. He also wanted to place the proposed Sub-developer Agreement and City TIF Application for Blocks 12 and 14, which was discussed at the work session, on the agenda for consideration in order to proceed quickly with demolition of remaining structures. The Board members agreed to the time and date for the special call meeting.

ADJOURNMENT

There being no further business to come before the Board of Commissioners, at approximately 7:55 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) Zoning Ordinance Sign provisions as they relate to the new Temporary Sign Policy; 2) a drainage project located between Newberry Street and Albemarle Street; and 3) the development proposal for Blocks 12 and 14 of the WKU Gateway to Downtown Bowling Green Tax Increment Financing (TIF) District, including a Sub-developer Agreement, City TIF Application and a revised Revenue Sharing Agreement. The discussion of proposed amendments to the Maintenance

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and Traffic Contract between the City and Kentucky Transportation Cabinet previously planned for this work session was postponed until the next regular work session.

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

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

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

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