

**MINUTES of REGULAR MEETING  
of the BOARD of COMMISSIONERS  
of the CITY of BOWLING GREEN, KENTUCKY  
held OCTOBER 7, 2008**

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 October 7, 2008. Mayor Elaine N. Walker called the meeting to order. An invocation was given by Commissioner Brian K. Strow, 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 Bruce Wilkerson, Commissioner Joe W. Denning, Commissioner Brian "Slim" Nash, Commissioner Brian K. Strow and Mayor Elaine N. Walker. Absent: none. There was a full quorum of the Board of Commissioners.

**CITY MANAGER**

City Manager Kevin D. DeFebbo requested the addition of three late-filed items (Municipal Order Nos. 2008 - 249, 2008 - 250 and 2008 - 251) be placed on the agenda for consideration by the Board. Mr. DeFebbo noted that two of the items (MO2008 - 250 regarding Old Morgantown Road Project and MO2008 - 251 regarding hazardous duty positions) were discussed during the earlier work session and the third item (MO2008 - 249) was about the sharing of confidential business information with the Kentucky Economic Development Cabinet relating to the downtown TIF district. Motion was made by Wilkerson, seconded by Strow, to add the three late-filed items to the agenda. With no discussion a roll call vote was taken.

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

Motion to add Municipal Order Nos. 2008 - 249, 2008 - 250 and 2008 - 251 to the agenda for consideration at the end of the regular agenda was approved by unanimous vote.

Mr. DeFebbo also requested that items 8, 9 and 10 (Municipal Order Nos. 2008 - 240, 2008 - 241 and 2008 - 242) relating to personnel be moved to the beginning of the agenda prior to consideration of the second reading ordinances. The Board agreed with no objections.

Finally, Mr. DeFebbo requested a closed session for the purpose of discussion about the future acquisition and sale of real properties by the City as publicity would likely affect the value of the specific pieces of property to be acquired for public use and sold by the City, for pending litigation against and on behalf of the City, and for discussion between the City and a representative of business entities and discussions concerning specific proposals, if open discussions would jeopardize the siting, retention, expansion or upgrading of the businesses. Motion was made by Nash and seconded by Wilkerson to convene in closed session following the regular meeting pursuant to KRS 61.810 (b), (c) and (g). Walker called for roll call vote.

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

Motion to convene in closed session pursuant to KRS 61.810 (b), (c) and (g) was approved by unanimous vote.

## APPROVAL OF MINUTES

### Minutes of Regular Meeting September 16, 2008

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 Nash to approve said minutes as written. Mayor Walker asked for discussion, and with none, a roll call vote was taken.

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

Motion to approve the minutes of the regular meeting of September 16, 2008 was approved by unanimous vote.

## PUBLIC COMMENTS

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

## RECOGNITION

As part of City Hall's 100<sup>th</sup> year celebration, Public Information Coordinator Kim Lancaster presented a framed photograph of President John F. Kennedy which was taken 48 years ago that same week in front of Bowling Green City Hall at 1001 College Street. She stated the picture will be on permanent display in the City Hall building.

## CONSENT AGENDA

Commissioner Wilkerson requested that Municipal Order No. 2008 – 239 be removed from the Consent Agenda. Mayor Walker stated it would be considered at the end of the regular agenda. Since there were no other items on the Consent Agenda, no further action was taken.

## CHANGE ORDER OF AGENDA

### MUNICIPAL ORDER NO. 2008 – 240

#### MUNICIPAL ORDER APPROVING THE PROBATIONARY APPOINTMENT OF NICOLE LOWSHA DEFREEZE TO THE POSITION OF SPECIAL POPULATIONS INSTRUCTOR IN THE PARKS AND RECREATION DEPARTMENT

Summary of Municipal Order No. 2008 - 240 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 reviewed and recommended the appointment. Mayor Walker asked for additional discussion, and with none, a roll call vote was taken.

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

Municipal Order No. 2008 - 240 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2008 - 241

MUNICIPAL ORDER APPROVING THE PROMOTION OF  
KIMBERLY LYNNE LANCASTER TO THE POSITION OF  
EXECUTIVE ASSISTANT / PUBLIC INFORMATION OFFICER IN  
THE OFFICE OF THE CITY MANAGER

Summary of Municipal Order No. 2008 - 241 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 stated she was happy to have the position filed by Ms. Lancaster, which was a tribute to her talent. With no further discussion, a roll call vote was taken.

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

Municipal Order No. 2008 - 241 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2008 - 242

MUNICIPAL ORDER APPROVING THE PROBATIONARY  
APPOINTMENTS OF ELIZABETH ASHLEE THRONEBERRY TO  
THE POSITION OF ADMINISTRATIVE ASSISTANT, AND RYAN  
ANDREW DILLON AND BRANDON NICHOLAS STICE TO THE  
POSITION OF POLICE OFFICER IN THE POLICE DEPARTMENT

Summary of Municipal Order No. 2008 - 242 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 reviewed and recommended the appointments. Police Chief Doug Hawkins confirmed that since the two Police Officers were already certified, that expedited their ability to get on the streets. He also confirmed that with these two appointments and with the two new positions created as of October 1<sup>st</sup> with the approval of this year's budget, the department was only two appointments shy of being at full compliment. Mayor Walker asked for additional discussion, and with none, a roll call vote was taken.

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

Municipal Order No. 2008 - 242 was approved by unanimous vote.

RESUME REGULAR AGENDA

ORDINANCE NO. BG2008 - 49

(Second Reading)

ORDINANCE REZONING REAL ESTATE

ORDINANCE REZONING A TRACT OF LAND CONTAINING  
31.5316 ACRES FROM AG (AGRICULTURE) AND F (GENERAL  
FLOOD PLAIN) TO HB (HIGHWAY BUSINESS), RM-4 (MULTI-  
FAMILY RESIDENTIAL) AND F (GENERAL FLOOD PLAIN)  
LOCATED ON CAVE MILL ROAD, WITH BINDING ELEMENTS,

PRESENTLY OWNED BY CAVE MILL STATION, LLC AND  
DEVELOPING PARTNERS, LLC

Title and summary of Ordinance No. BG2008 - 49 was read by the Assistant City Manager/City Clerk. Motion was made by Wilkerson and seconded by Strow for second reading of said Ordinance. Mayor Walker asked for discussion, and with none, a roll call vote was taken.

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

Ordinance No. BG2008 - 49 was adopted by unanimous vote.

ORDINANCE NO. BG2008 - 50  
(Second Reading)  
ORDINANCE REZONING REAL ESTATE

ORDINANCE REZONING SEVERAL TRACTS OF LAND CONTAINING 10.24 +/- ACRES FROM RM-4 (MULTI-FAMILY RESIDENTIAL), LI (LIGHT INDUSTRY), P (PUBLIC) AND HB (HIGHWAY BUSINESS) TO OP-C (OFFICE PROFESSIONAL-COMMERCIAL) AND HB (HIGHWAY BUSINESS) LOCATED NEAR U.S. 31W BYPASS, WITH BINDING ELEMENTS, PRESENTLY OWNED BY BOWLING GREEN-WARREN COUNTY COMMUNITY HOSPITAL CORPORATION, COMMONWEALTH HEALTH CORPORATION, KENTUCKY OUTPATIENT REHABILITATION FACILITY, BOWLING GREEN, INC. AND LINCOLN PARK DEVELOPMENT, LLC

Title and summary of Ordinance No. BG2008 - 50 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 Walker asked for discussion, and with none, a roll call vote was taken.

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

Ordinance No. BG2008 - 50 was adopted by unanimous vote.

ORDINANCE NO. BG2008 - 51  
(Second Reading)  
ORDINANCE RELATING TO PROPERTY TAX RATES

ORDINANCE SETTING 2008 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. BG2008 - 51 was read by the Assistant City Manager/City Clerk. Motion was made by Denning and seconded by Nash for second reading of said Ordinance. Comm. Wilkerson commented about the lower property tax rate which was due to the creation of the County Library Tax District. Mayor Walker asked for discussion, and with none, a roll call vote was taken.

ROLL CALL: Voting Yea: Wilkerson, Denning, Nash, Strow and Walker  
Voting Nay: None  
Ordinance No. BG2008 - 51 was adopted by unanimous vote.

ORDINANCE NO. BG2008 - 52  
(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 2009 TO ELIMINATE THE POSITIONS OF EXECUTIVE ASSISTANT AND PUBLIC INFORMATION COORDINATOR AND TO CREATE THE POSITION OF EXECUTIVE ASSISTANT / PUBLIC INFORMATION OFFICER

Title and summary of Ordinance No. BG2008 - 52 was read by the Assistant City Manager/City Clerk. Motion was made by Denning and seconded by Nash for second reading of said Ordinance. Mayor Walker asked for discussion, and with none, a roll call vote was taken.

ROLL CALL: Voting Yea: Wilkerson, Denning, Nash, Strow and Walker  
Voting Nay: None  
Ordinance No. BG2008 - 52 was adopted by unanimous vote.

ORDINANCE NO. BG2008 - 53  
(Second Reading)

ORDINANCE AMENDING CODE OF ORDINANCES

ORDINANCE CREATING A NEW SUBCHAPTER OF CHAPTER 22 (TRAFFIC AND MOTOR VEHICLES) OF THE CITY OF BOWLING GREEN CODE OF ORDINANCES TO AUTHORIZE THE TEMPORARY DISPLAY OF MOTOR VEHICLES

Title and summary of Ordinance No. BG2008 - 53 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 Walker asked for discussion, and with none, a roll call vote was taken.

ROLL CALL: Voting Yea: Wilkerson, Denning, Nash, Strow and Walker  
Voting Nay: None  
Ordinance No. BG2008 - 53 was adopted by unanimous vote.

ORDINANCE NO. BG2008 - 54  
(Second Reading)

ORDINANCE EXPANDING DEVELOPMENT AREA TAX INCREMENT FINANCING DISTRICT

ORDINANCE EXPANDING AND READOPTING THE WKU GATEWAY TO DOWNTOWN BOWLING GREEN DEVELOPMENT AREA, WHICH WAS ORIGINALLY ESTABLISHED BY

ORDINANCE NO. BG2007-33 AND AMENDED BY ORDINANCE NO. BG2007-38, WHICH WAS ADOPTED TO ESTABLISH A DEVELOPMENT AREA IN DOWNTOWN BOWLING GREEN RELATING TO A COMPREHENSIVE MIXED USE REDEVELOPMENT AREA COMPRISED OF RESIDENTIAL, OFFICE AND COMMERCIAL COMPONENTS AND INCLUDING CERTAIN PUBLIC ELEMENTS, INCLUDING A BASEBALL STADIUM, PARKING GARAGE AND OTHER INFRASTRUCTURE IMPROVEMENTS; APPROVING AN AMENDED AND RESTATED LOCAL PARTICIPATION AGREEMENT #2 AMONG THE CITY OF BOWLING GREEN, COUNTY OF WARREN KENTUCKY AND THE WARREN COUNTY DOWNTOWN ECONOMIC DEVELOPMENT AUTHORITY, INC.; ESTABLISHING A SPECIAL FUND FOR THE COLLECTION OF INCREMENTAL REVENUES; DESIGNATING AN AGENCY FOR THE OVERSIGHT, ADMINISTRATION AND IMPLEMENTATION OF THIS ORDINANCE; AND TAKING OTHER APPROPRIATE ACTIONS

Title and summary of Ordinance No. BG2008 - 54 was read by the Assistant City Manager/City Clerk. Motion was made by Nash and seconded by Strow for second reading of said Ordinance. DeFebbo noted that this ordinance was discussed at the September 29<sup>th</sup> special meeting and that changes to the Financing Plan (Exhibit D of LPA#2) have been proposed since that discussion. Attorney Kevin Brooks, representing the Warren County Downtown Economic Development Authority, Inc., asked if the Board would hold discussion of this item until the end of the agenda to allow extra time to finalize some additional changes being made to the Financing Plan. With no objection, the Board agreed to postpone discussion until later in the meeting.

MUNICIPAL ORDER NO. 2008 - 243

MUNICIPAL ORDER APPROVING A CONTRACT THROUGH NONCOMPETITIVE NEGOTIATIONS WITH CDW-G OF CHICAGO, ILLINOIS UNDER THE KENTUCKY STATE PRICING CONTRACT FOR THE PURCHASE OF PANASONIC TOUGHBOOKS IN THE TOTAL AMOUNT OF \$53,824.94

Summary of Municipal Order No. 2008 - 243 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 reviewed and recommended the purchase for Mobile Data Computers (MDCs) to be used by the Fire Department, with the existing Fire MDCs to be used by Housing and Community Development and other departments since they still have a useful life. Mayor Walker asked for additional discussion, and with none, a roll call vote was taken.

ROLL CALL: Voting Yea: Wilkerson, Denning, Nash, Strow and Walker

Voting Nay: None

Municipal Order No. 2008 - 243 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2008 - 244

MUNICIPAL ORDER AUTHORIZING AND ACCEPTING BID #2009-13 FOR POLICE VEHICLES FROM GREENWOOD FORD OF BOWLING GREEN, KENTUCKY AND JEFF JONES CHEVY-BUICK OF VERSAILLES, KENTUCKY IN THE TOTAL AMOUNT OF \$292,417

Summary of Municipal Order No. 2008 - 244 was read by the Assistant City Manager/City Clerk. Motion was made by Strow and seconded by Wilkerson for consideration of said Municipal Order. DeFebbo recommended the bid award which was based on lowest price. Police Chief Doug Hawkins reviewed the bid process and responded to questions about the difference between the administrative black and white vehicle and the unmarked vehicle. Mayor Walker asked for additional discussion, and with none, a roll call vote was taken.

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

Municipal Order No. 2008 - 244 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2008 - 245

MUNICIPAL ORDER AUTHORIZING AND ACCEPTING BID #2009-15 FOR CLEARLANE ENHANCED DEICER OR EQUIVALENT FROM CARGILL INC. OF CHICAGO, ILLINOIS IN THE AMOUNT OF \$45,190

Summary of Municipal Order No. 2008 - 245 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 recommended the bid award. Public Works Operations Division Manager Bobby Phelps responded to questions about the type and quantity of the salt product being purchased. Mayor Walker asked for additional discussion, and with none, a roll call vote was taken.

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

Municipal Order No. 2008 - 245 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2008 - 246

MUNICIPAL ORDER ACCEPTING AWARD OF 28 VOUCHERS FOR THE SECTION 8 HOUSING CHOICE VOUCHER PROGRAM

Summary of Municipal Order No. 2008 - 246 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 in order to provide continuity with the administration of the vouchers for admissions preference to Scholar House participants, Kentucky Housing Corporation has offered to transfer its share to the City. Mayor Walker asked for additional discussion, and with none, a roll call vote was taken.

ROLL CALL: Voting Yea: Wilkerson, Denning, Nash, Strow and Walker  
Voting Nay: None  
Municipal Order No. 2008 - 246 was approved by unanimous vote.

ORDINANCE NO. BG2008 - 55

(First Reading)

ORDINANCE CLOSING A PUBLIC RIGHT-OF-WAY

ORDINANCE APPROVING THE CLOSING OF A PORTION OF  
TURNER COURT

Title and summary of Ordinance No. BG2008 - 55 was read by the Assistant City Manager/City Clerk. Motion was made by Wilkerson and seconded by Denning for first reading of said Ordinance. City-County Planning Commission Director Steve Hunter reviewed the recommended street closing and responded to questions about the ingress off Russellville Road for the middle school. Mayor Walker asked for additional discussion, and with none, a roll call vote was taken.

ROLL CALL: Voting Yea: Wilkerson, Denning, Nash, Strow and Walker  
Voting Nay: None  
First reading of Ordinance No. BG2008 - 55 was approved by unanimous vote.

ORDINANCE NO. BG2008 - 56

(First Reading)

ORDINANCE REZONING REAL ESTATE

ORDINANCE REZONING A TRACT OF LAND CONTAINING 2.59  
ACRES FROM AG (AGRICULTURE) TO RE (RESIDENTIAL  
ESTATE) LOCATED AT 1429 MT. AYR CIRCLE, PRESENTLY  
OWNED BY ED AND MARY C. BAUMGARTNER

Title and summary of Ordinance No. BG2008 - 56 was read by the Assistant City Manager/City Clerk. Motion was made by Wilkerson and seconded by Denning for first reading of said Ordinance. City-County Planning Commission Director Steve Hunter reviewed the recommended rezoning which was required for the property owner to realign his lot boundaries. Mayor Walker asked for additional discussion, and with none, a roll call vote was taken.

ROLL CALL: Voting Yea: Wilkerson, Denning, Nash, Strow and Walker  
Voting Nay: None  
First reading of Ordinance No. BG2008 - 56 was approved by unanimous vote.

ORDINANCE NO. BG2008 - 57

(First Reading)

ORDINANCE REZONING REAL ESTATE

ORDINANCE REZONING SEVERAL TRACTS OF LAND  
CONTAINING 10.9790 ACRES FROM RS-1A (SINGLE FAMILY  
RESIDENTIAL) TO PUD (PLANNED UNIT DEVELOPMENT)  
LOCATED AT THE INTERSECTION OF SMALLHOUSE ROAD



AND CAVE MILL ROAD, WITH BINDING ELEMENTS,  
PRESENTLY OWNED BY LEE AND JOANN COLEMAN AND  
FOUNDATION CHRISTIAN ACADEMY WITH GARY KECKLEY,  
GOODWORKS UNLIMITED, LLC AS CONTRACT VENDEE

Title and summary of Ordinance No. BG2008 - 57 was read by the Assistant City Manager/City Clerk. Motion was made by Wilkerson and seconded by Strow for first reading of said Ordinance. City-County Planning Commission Director Steve Hunter provided an overview of the recommended rezoning and associated binding elements. He noted that the Planning Commission worked with the property owners and developer to address concerns from neighbors and with regard to the impact of increased traffic at the intersection. Comm. Nash expressed his appreciation for the efforts by the Planning Commission for developing a compromise regarding the added turning lane. Mayor Walker asked for additional discussion, and with none, a roll call vote was taken.

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

First reading of Ordinance No. BG2008 - 57 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2008 - 247

MUNICIPAL ORDER APPROVING QUITCLAIM DEED WITH  
WARREN COUNTY DOWNTOWN ECONOMIC DEVELOPMENT  
AUTHORITY, INC. RELATED TO EXCESS RIGHT-OF-WAY  
ALONG THE NEW 7<sup>TH</sup> AVENUE

Summary of Municipal Order No. 2008 - 247 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 recommended approval for the transfer of surplus property to be used for the baseball stadium development. Mayor Walker asked for additional discussion, and with none, a roll call vote was taken.

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

Municipal Order No. 2008 - 247 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2008 - 248

MUNICIPAL ORDER APPROVING REALIGNMENT OF  
GREENWOOD LANE FROM CYPRESS WOOD LANE TO GATOR  
DRIVE ROAD AND AUTHORIZING ACQUISITION OF  
NECESSARY PROPERTIES FOR THIS PROJECT

Summary of Municipal Order No. 2008 - 248 was read by the Assistant City Manager/City Clerk. Motion was made by Nash and seconded by Wilkerson for consideration of said Municipal Order. DeFebbo indicated that the City was ready to move forward with property acquisition regarding this road improvement project. Mayor Walker asked for additional discussion, and with none, a roll call vote was taken.

ROLL CALL:           Voting Yea:   Wilkerson, Denning, Nash, Strow and Walker  
                          Voting Nay:   None  
Municipal Order No. 2008 - 248 was approved by unanimous vote.

**MUNICIPAL ORDER NO. 2008 – 249**

**MUNICIPAL ORDER AUTHORIZING CITY EMPLOYEES TO DISCLOSE EMPLOYER IDENTIFICATION NUMBERS TO THE KENTUCKY CABINET FOR ECONOMIC DEVELOPMENT**

Summary of Municipal Order No. 2008 - 249 was read by the Assistant City Manager/City Clerk. Motion was made by Strow and seconded by Nash for consideration of said Municipal Order. DeFebbo explained that in order to disclose confidential information regarding businesses located in the downtown TIF district, an Acknowledgement of Tax Records Confidentiality form was required. Mayor Walker asked for additional discussion, and with none, a roll call vote was taken.

ROLL CALL:           Voting Yea:   Wilkerson, Denning, Nash, Strow and Walker  
                          Voting Nay:   None  
Municipal Order No. 2008 - 249 was approved by unanimous vote.

**MUNICIPAL ORDER NO. 2008 – 250**

**MUNICIPAL ORDER AMENDING MUNICIPAL ORDER NO. 2008-228 AUTHORIZING SPECIFIED POSITION CLASSIFICATIONS FOR HAZARDOUS DUTY COVERAGE UNDER THE COUNTY EMPLOYEES RETIREMENT SYSTEM AND REQUESTING APPROVAL BY THE KENTUCKY RETIREMENT SYSTEMS BOARD OF TRUSTEES**

Summary of Municipal Order No. 2008 - 250 was read by the Assistant City Manager/City Clerk. Motion was made by Nash and seconded by Strow for consideration of said Municipal Order. DeFebbo reiterated that this item was discussed during the work session and would limit the positions submitted for hazardous duty coverage to just the entry level ones at this time. Mayor Walker asked for additional discussion, and with none, a roll call vote was taken.

ROLL CALL:           Voting Yea:   Wilkerson, Denning, Nash, Strow and Walker  
                          Voting Nay:   None  
Municipal Order No. 2008 - 250 was approved by unanimous vote.

**MUNICIPAL ORDER NO. 2008 – 251**

**MUNICIPAL ORDER APPROVING OLD MORGANTOWN ROAD IMPROVEMENT PROJECT REVISED CONCEPTUAL PLAN AS RECOMMENDED BY THE PUBLIC WORKS DEPARTMENT AND AUTHORIZING SOLICITATION OF REQUESTS FOR PROPOSALS FOR DESIGN SERVICES**

Summary of Municipal Order No. 2008 - 251 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 item was previously discussed at the work session. Mayor Walker asked for additional discussion, and with none, a roll call vote was taken.

ROLL CALL: Voting Yea: Wilkerson, Denning, Nash, Strow and Walker

Voting Nay: None

Municipal Order No. 2008 - 251 was approved by unanimous vote.

**MUNICIPAL ORDER NO. 2008 - 239**

**MUNICIPAL ORDER APPROVING THE APPOINTMENT OF  
MARTIN STONE TO THE BOWLING GREEN COMMUNITY TREE  
ADVISORY BOARD AND AUTHORIZING WAIVER OF  
RESIDENCY REQUIREMENT**

Summary of Municipal Order No. 2008 - 239 was read by the Assistant City Manager/City Clerk. Motion was made by Walker for consideration of said Municipal Order. The motion to consider and approve the appointment died for lack of second. Mayor Walker commented about her recommendation and the limited ability to find individuals to serve on this particular board.

Comm. Nash indicated that he had no issues with the individual's qualifications. Rather, he suggested changing the ordinance regarding residency requirements to allow others to serve if the Board wanted to open the process up to non-city residents. City Attorney Gene Harmon reviewed Section 2-1.09 of the Code of Ordinances which stipulated the residency requirements, with some exceptions, for appointees to the various City boards, commissions and agencies. He concurred that the Board could choose to amend the general requirements which relate to the various boards and/or the Board could choose to amend the membership of just the Tree Advisory Board in Chapter 26 of the Code of Ordinances.

Mayor Walker inquired of the Commissioners if they would support the consideration of such a change being presented on a future agenda. There was consensus expressed to consider an amendment. Mayor Walker also indicated that it was often difficult to find people who want to serve on some of the City's boards and she welcomed recommendations by any of the Commissioners.

**ORDINANCE NO. BG2008 - 54**

**(Second Reading)**

**ORDINANCE EXPANDING DEVELOPMENT AREA TAX INCREMENT FINANCING (TIF)  
DISTRICT**

Discussion continued regarding Ordinance No. BG2008 - 54, which title and summary were previously read, as well as motion and second previously made for consideration of second reading. Mr. Brooks distributed to the Board of Commissioners another revised copy of the proposed Financing Plan, which was Exhibit D to the Amended and Restated Local Participation Agreement (LPA) #2. He provided an overview of the most significant changes and responded to questions about the modified plan.

There was discussion about the definition of old (base) revenues and new (incremental) revenues within the TIF district, and which term might apply to a business that moves from outside to inside the downtown TIF district as well as how the State might consider the relocation of existing

businesses. City Manager Kevin DeFebbo and Chief Financial Officer Jeff Meisel expressed concern, as it related directly to the City's annual operating budget, regarding the uncertainty with giving up base revenues from existing businesses that might move into the district and not just losing 80% of the incremental growth of that business. Comm. Denning also expressed his concern with the potential loss of existing base revenues and the loss of incremental revenues for development projects which would proceed regardless of inclusion in the expanded TIF district, such as the Graves Gilbert Clinic and Medical Center expansions. Mayor Walker clarified that it was her understanding based on discussions with the City of Louisville that it was discretionary on the part of the local government to agree to give up existing base revenues and that the State would not count those revenues toward the TIF district.

Comm. Strow agreed that the potential loss of base revenue from expansion projects had an impact on the City; however, the benefit to reaching the Signature TIF level sooner and the ability to pay off the City's General Obligation (GO) bonds at a faster pace could outweigh that loss. Comm. Nash indicated that he truly believed the expansion would reduce risk and was the key to reaching the \$200 million threshold in capital investment projects needed to reach Signature TIF status.

Mayor Walker stated she was a huge proponent of the downtown TIF and believed the expansion would benefit the community and create more redevelopment. However, she expressed concern about an incentive system that developed new and abandoned old, and stated that she did not want growth at the expense of other areas of the City. She further reiterated her concerns of taking outside revenues away from the City and suggested revising the LPA#2 language in such a way that the City's determination for base revenues would be reflective of the State's treatment of them.

Comm. Strow disagreed that anyone was getting incentives in the expanded district, aside from Graves Gilbert Clinic, Commonwealth Health Corporation (Medical Center) and Western Kentucky University (WKU). He noted that the City had already agreed to give up base revenues from relocated businesses with the approval of the original district, but that there was no need to give them up in the expanded district.

Mr. Brooks stated that there would not be bond money to assist any other developments in the expanded district at this time, except those previously discussed. He also expressed concern about restricting the available local TIF revenues as the State would likely follow, which could impact the ability to sell bonds. Based on a question posed by Mr. DeFebbo about whether the salaries of firemen should be exempted from the TIF, Mr. Brooks explained the City's Central Fire Station expansion was considered a public improvement project and counted toward the total capital investment.

Jean Cherry, with Commonwealth Health Corporation, addressed the expansion of the Medical Center and WKU Nursing Program. She stated that she could not say the Medical Center would have been in the position to pursue the WKU project without the incentive of the TIF.

Larry Bailey, speaking on his own behalf and as Chairman of the Friends of L&N Depot, agreed with the expansion of the TIF district and said he was disappointed when the original TIF district stopped short of the Depot property. He pointed out that the Depot's plans for expansion was the only project that was not just an idea. He inquired as to how the Depot could participate and reap benefit from the TIF revenues with its expansion plans.

There was also discussion regarding TIF revenues being designated toward public projects. Comm. Strow appreciated the removal of the public projects in the revised Financing Plan for which he had expressed concern about at the September 29<sup>th</sup> special meeting of the Board. Mayor Walker inquired if it was possible to move forward with other public projects that were not currently in the Plan if there was additional revenues generated from Phase II of the TIF development. Mr. Brooks replied that the Plan could be amended, with approval by all parties including the State, at anytime when there was a new project proposed.

In an effort to access State revenues through the TIF, Mayor Walker suggested structuring the Plan in a way that would set bond monies aside and/or create a pool of money for future public projects, which could be considered through an application process. Comm. Denning supported the Mayor's idea but wanted the City's bond issue paid before any other bonds were issued for public projects. Comm. Strow voiced his apprehension that there would be excess revenues generated over the next 20 years that could support such a proposal. Comm. Nash agreed the idea had merit, but did not want to risk the ability of the TIF from moving forward. Mr. Bailey reiterated the potential value to the community and benefit to tourism to include the Depot's development project now.

City Attorney Gene Harmon clarified that a motion to amend the ordinance would be needed since there were substantial changes being proposed from the version considered at the last meeting. He specified that 1) Exhibits A (area description) and B (area map) to Ordinance No. BG2008 – 54 would need to be revised to add back previous exclusions of the Central Fire Station and BGMU facilities in the expanded district, 2) an amendment to LPA#2 (Exhibit C to the Ordinance) would be required to include language which applies the same treatment of base revenues by the City as that of the State, and 3) Exhibits B (Project List), C (Project List for Incremental Bonds), D (Financing Plan) and E (Descriptions of Benefits) of LPA#2 would also need to be revised to reflect the necessary changes as discussed. Motion was made by Nash and seconded by Strow to amend Ordinance No. BG2008 – 54 including the description and map of the district, the Amended and Restated Local Participation Agreement (LPA) #2, and Exhibits B, C, D and E of LPA#2. Following further discussion, a roll call vote was taken on the motion to amend.

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

Motion to amend Ordinance No. BG2008 – 54 was approved by majority vote. Comm. Wilkerson abstained stating he had a business conflict.

Motion was made by Nash and seconded by Strow for first reading of Ordinance No. BG2008 – 54 as amended. Mayor Walker asked for additional discussion, and with none, a roll call vote was taken.

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

First Reading of Ordinance No. BG2008 – 54 as amended was approved by majority vote.

CLOSED SESSION

Following a brief recess to clear the Commission Chamber, the Board of Commissioners met at approximately 9:55 p.m. in closed session pursuant to KRS 61.810 (b), (c) and (g) as previously approved.

ADJOURNMENT

Once all discussion concluded in closed session and there being no further business to come before the Board of Commissioners, at approximately 10:40 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) the planning process for the next Community Development Block Grant (CDBG) 5 Year Consolidated Plan and the CDBG agency funding application process; 2) the City's annual Leaf Pick-up Program; 3) the proposed final design concept for the Old Morgantown Road Project as recommended by the Public Works Department; and 4) a proposed amendment to Municipal Order No. 2008 - 228 regarding specified public safety position classifications for hazardous duty coverage limited to entry level positions instead of all public safety positions.

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

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

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

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