

Minutes of Board Meeting

June 25, 1935.

The Board of Regents met in the office of President Cherry at 4:00 o'clock P. M. June 25, 1935. In the absence of the chairman of the Board Senator Franklin presided. The roll was called and a quorum was found to be present, the following being in attendance: Senator Clarence Bartlett, Senator Charles Franklin and Judge Henry B. Hines.

The purpose of the meeting was to discuss further plans concerning an application for P.W.A. funds with which to construct a much needed classroom building on College Heights.

Upon motion of Senator Bartlett with a second from Judge Hines the Board unanimously agreed to rescind all action relative to above P.W.A. taken by the Board at a previous meeting, namely; June 18, 1935.

Upon motion of Senator Bartlett with a second from Judge Hines the following resolution was unanimously adopted upon roll call:

Be it resolved by the Board of Regents of the Normal

School and Teachers College at Bowling Green, Kentucky.

Section 1. That H. H. Cherry be and he is authorized

to execute and file an application on behalf of the Board

of Regents of the Normal School and Teachers College at

Bowling Green, Kentucky, to the United States of America

for a loan and grant to aid in financing the construction

of a classroom and laboratory building.

Section 2. That H. H. Cherry be and he is hereby authorized and directed to furnish such information as the United States of America through the Federal Emergency Administration of Public Works may reasonably request in connection with the application which is herein authorized to be filed.

Section 3. That the original application addressed to the Federal Emergency Administration of Public Works, Washington, D. C. for a loan (with a

30% grant) for the construction of certain buildings upon grounds owned by the applicant at Bowling Green, Kentucky, filed on November 30, 1933, and amended on April 6, 1934, shall be further amended for the purpose of withdrawing so much of said application as requests a loan for construction of dormitory buildings or for the completion of the Kentucky Building either by way of construction or equipment.

The above-mentioned original and amended application, however, is made a part hereof by reference although the amount of loan requested is altered and although the amount of grant requested is altered.

The amount of loan requested herein shall be Five Hundred Thousand Dollars (\$500,000.00) and the amount of grant requested shall be 45% thereof.

Furthermore, a rate of interest is requested as 3% if possible.

Certain exhibits of the original application shall be particularly referred to and made a part hereof by reference to-wit:

Exhibit "W". Territorial range of student-body. Page 216.

Exhibit "X". Territorial range of student-body. Page 217.

Exhibit "Y". Need of a classroom building. Pages 218-220.

Exhibit "AA". Architect's statement of dangerous condition of classroom building. Pages 222-223.

Exhibit "BB". Affidavit of George T. Massey as to state of unemployment in vicinity. Pages 224-226.

Exhibit "CC". Affidavit of T. T. Gardner as to state of unemployment, etc. Pages 227-229.

Exhibit "DD". Affidavit of Civic Organizations. Page 229.

Section 4. That the above-named loan of Five Hundred Thousand Dollars (\$500,000.00) (with a 45% grant requested) is now applied for for the purpose of constructing and equipping a classroom and laboratory building upon the location fronting College Street where Potter College Hall now stands.

For the above-named amount of loan (with grant deducted) negotiable bonds shall be issued to pay for same, under the Act of the General Assembly of the Commonwealth of Kentucky for the year 1934 which became a law on the 25th day of March, 1934, said bonds to bear interest at 3% interest per annum or such rate per cent as may be fixed by said Public Works Administration, payable semi-annually and amortized in a period of thirty years from the date hereof.

The denomination of such bonds, the number issued, the aggregate amount thereof and when and where payable and the interest rate may be finally determined by the Federal Emergency Administration of Public Works at Washington, D. C. and this Board will pass such further resolutions as will then be necessary to conform to its requirements.

But H. H. Cherry as President is authorized to submit to said Public Works Administration a tentative schedule of amounts and maturities relative to such bond issues.

All moneys received from such bonds issued pursuant to this resolution or in pursuance to any grant received as requested in this application, shall be applied solely to the establishment or erection of the said classroom building and necessary appurtenances including equipment, provided such moneys may be used for the purpose of advancing the payment of the interest on said bonds during the first three years following their date.

The Board of Regents shall pay into a separate and special fund the reasonable cost and value of any service rendered to this educational institution, by and through the use of such building and appurtenances including class rooms, laboratory facilities, assembly halls or other facilities and that such reasonable cost and value or such services rendered and utilized shall be paid into such separate and special fund monthly as the services accrue, from the current funds of this institution and such rents or charges and all other tolls and fees arising out of the use of the facilities of said buildings and paid by the student-body shall be so segregated in a separate fund and the same shall be sufficient to provide for the payment promptly of interest upon all bonds issued and to create a sinking fund to pay the principal thereof as and when the same

becomes due and to provide for the operation and maintenance of such building including the cost of insuring same against fire and wind storm for the benefit of the holders of such bonds.

To secure the payment of said bonds and the interest thereon each student using said class room and laboratory building shall be charged an incidental fee of not exceeding \$5.00 for each semester of eighteen weeks beginning with September 1935, and also an incidental fee of not exceeding \$2.50 for the spring term of nine weeks, and also an incidental fee of not exceeding \$1.65 for the summer term of six weeks. These last mentioned fees shall be likewise paid into the above-mentioned separate and special fund and taken into consideration when so segregated and deposited in estimating the amount sufficient to provide for the payment promptly of interest upon all bonds issued and to create a sinking fund to pay the principal thereof as and when the same becomes due and to provide for the operation and maintenance of such building including the cost of insuring same against fire and windstorm for the benefits of the holders of such bonds; the Board now estimates that said student tolls will aggregate during the course of one year the sum of \$24,000.00.

Such rents, charges, polls and fees shall be revised from time to time so as to produce these amounts.

The exact amount of revenue which shall be necessary and which shall be so set apart and applied to the payment of the principal and interest of said bonds and to provide a maintenance fund including cost of insurance as set out above, cannot now be definitely fixed or determined because it is not yet known what loan will be made by the said Public Works Administration nor is it yet known what grant will be made.

When this is known the Board undertakes to promptly and definitely fix and determine by resolution, such amount of revenues and charges which shall be sufficient for all such purposes and to segregate them into a separate fund as set out above.

Rodes & Harlin and R. K. Myers of Bowling Green, Kentucky, are hereby directed to proceed at once to prepare such amended application and have it forwarded

in due course to the Public Works Administration at Washington, D. C., and may accompany the presentation of such application as the President of this institution may deem best.

H. H. CHERRY
President, Western Kentucky State Teachers College

President Cherry reported to the Board that an understanding had been reached with Captain Brinton B. Davis relative to a suit brought by him, the following resolution then being introduced:

BE IT RESOLVED, by the Board of Regents assembled, That Dr. H. H. Cherry, President of the Western Kentucky State Teachers College at Bowling Green, Kentucky, be authorized and directed to sign and execute on behalf of the Board of Regents an agreed order dismissing a settled suit pending in the Jefferson Circuit Court, Chancery Division, B. B. Davis, Plaintiff, Vs. Board of Regents Western Kentucky State Teachers College, Defendant.

Upon motion of Senator Bartlett and a second from Judge Hines the resolution was unanimously adopted.

Following this Dr. Cherry withdrew from the room, later returning and reporting that he had signed said order; so, upon motion made and duly seconded the Board approved and confirmed his action. The signed statement is on file in the office of the Bursar of the school.

Upon motion of Senator Bartlett with a second from Judge Hines a resolution authorizing the employment of Captain Davis as architect of the proposed building and authorizing President Cherry to sign this contract on behalf of the Board of Regents, was made. Upon roll call the motion was unanimously passed. The copy appears elsewhere in the minutes.

On motion of Judge Hines and seconded by Senator Bartlett the Board of Regents of the Western Kentucky State Teachers College ordered:

That the communication from Hon. John B. Rodes, attorney, under date of June 22, 1935, and relating to a proposal to refund advances of five hundred dollars (\$500.00) made to Rodes K. Myers and one thousand dollars (\$1,000.00) made to the firm of Rodes & Harlin, be accepted and spread upon the minutes of the Board, and, further agreed

That the proposed contract to be entered into between the said Board and Max B. Harlin, John B. Rodes and Rodes K. Myers of this date relative to fees for services rendered and to be rendered in connection with preparation of the necessary forms and other legal service connected with the application of the Western Kentucky State Teachers College in securing loan and grant from the Federal Emergency Public Works Administration be accepted and become a contract between the Board of Regents of the Western Kentucky State Teachers College and the said attorneys on the condition and with the understanding of the terms set forth in the letter of John B. Rodes referred to above.

The motion was unanimously passed upon roll call. The following is a copy of the contract:

Max B. Harlin, John B. Rodes and R. K. Myers having heretofore been employed as attorneys for the purpose of preparing and presenting the application for loan and grant to the Federal Emergency Administration of Public Works for the purpose of erecting a classroom and laboratory building on the Hill, be it now resolved that the fee to be paid said attorneys is now fixed at one per cent (1%) of the cost of the construction of said building, the same to be paid out of the proceeds of the said loan. If attorneys are required to go to Washington, D. C. by the President of the College, their expenses shall be paid in addition.

Signed

Max B. Harlin

John B. Rodes

R. K. Myers

Upon motion of Senator Bartlett with a second from Judge Hines President Cherry was authorized to sign on behalf of the Board the above contract with the attorneys named and this resolution was ordered entered on the minute book to become a part of the records of the meeting.

Below is a copy of the letter referred to:

John B. Rodes Law Offices of Rodes & Harlin
Max B. Harlin Rodes & Harlin
Opposite Court House Trial Attorneys L. & N.R.R.Co.
Robt. M. Coleman, Jr.
J. Stewart Lively Barren, Edmonson, Hart,
Lee Stagner Simpson and Warren
June 22, 1935.

Dr. H. H. Cherry, State Teachers College,
City.

Dear Doctor:

After talking to Dr. Ford, I gave him the resolution to be passed relating to Captain Davis, I am not enclosing you the resolution to be passed relating to the attorneys. I have had a conference with the other attorneys and all agree to this resolution.

The resolution says nothing about the \$1500.00. Dr. Ford tells me that Mr. Myers has been paid \$500.00. You have told me that at an early date the note for \$1,000.00 in the Bowling Green Trust Company would be paid with interest from January 1934, which was its inception. I am also writing you this private letter to evidence the agreement of the attorneys that if the fees paid them equal as much as \$5,000.00, then the \$1500.00 above-mentioned payment shall be credited upon that sum. In other words, the maximum fee shall be \$5,000.00. This is all attorneys will ask for and if more than that is received including the \$1500.00, a rebate will be made accordingly.

Yours truly,

JRB:KH

JOHN B. RODES

Dr. Jones was then requested to come before the Board and interpret the recommended plans and drawings of the proposed classroom and laboratory building, which he did.

On motion by Senator Bartlett, and seconded by Judge Hines the Board of Regents of the Western Kentucky State Teachers College, after due inspection of preliminary plans and specifications, front and side elevations of the proposed classroom building as submitted by the architect, Captain Brinton B. Davis, formally accepted the preliminary

plans and specifications and authorized the architect to transmit and the same at the earliest possible date as a part of the application of the Board of Regents for a loan and grant from Federal Emergency Public Works Administration. The roll was called and the motion unanimously adopted.

President Cherry, after a short withdrawal, reported that the contract between the Board and Captain Davis, architect, had been duly signed by him (as authorized by the Board) and by Captain Davis and proper witnesses; whereupon Senator Bartlett moved, with a second from Judge Hines, that this action on the part of the President be approved and so recorded on the minute book. The motion was passed unanimously. The following is a copy of the contract:

THIS CONTRACT, by and between the Board of Regents of the Normal School and Teachers College at Bowling Green, Kentucky, (known as the Western Kentucky State Teachers College located in Bowling Green, Kentucky) hereinafter called the College, and B. B. Davis, hereinafter called the architect.

WITNESSETH: That the College has employed the said architect for the purpose of the construction of a classroom and laboratory building on the Hill at Bowling Green, Kentucky, out of the proceeds of a loan now being applied for before the Federal Emergency Administration of Public Works at Washington, D. C.

The architect's services shall consist of the necessary conferences, the preparation of preliminary studies, working drawings, specifications, large scale and full-sized detailed drawings, the drafting of forms of proposals and contracts; the issuance of certificates of payment; the keeping of accounts; the general administration of the business and supervision of the work and such other architectural services as may be necessary to complete the planning and erection of said building, and in addition thereto the architect shall employ and pay a superintendent of construction or engineer who shall be a skilled and competent man for that purpose in accordance with the rules and regulations of the said Federal Administration of Public Works.

The College agrees to pay the architect from the proceeds of the P.W.A. loan when and if secured as follows:

A maximum amount of 6% of the total cost of the construction of the building of which, however, 3 1/2% shall be paid when the loan is secured and out of the

first proceeds thereof and the balance as the work progresses, payment in full to be made upon the completion and acceptance of the building. Provided, however, that the Federal Emergency Board of Public Works shall approve the amount of the above-mentioned fee and the method or time of payment, and the parties hereby agree to abide by such a sum for the architect's services as above set out as shall be approved said Federal Emergency Board of Public Works not exceeding 6% as above set out.

The architect shall pay his cost of transportation.

In the event that no loan is secured from said Federal Emergency Board of Public Works and the application is refused, the College agrees to pay the architect a sum equal to 1% of the estimated cost of construction of said classroom and laboratory building for all of his services relating to said loan or the application heretofore made and now pending therefor.

IN WITNESS WHEREOF, the architect has signed his name and by authority and direction of the Board of Regents its name has been affixed by the President of the College, H. H. Cherry, this June 25, 1935.

B. B. Davis, Architect

H. H. Cherry, President

WITNESSES:

R. C. P. Thomas

Mattie M. McLean

After the Board announced that the special business was concluded, Mr. L. T. Smith issued an invitation to them to see the museum cases and tables which the department had made for use in the museum.

The Board then adjourned.

Mattie M. McLean
Secretary

Chas. Y. Franklin
Chairman