

**MINUTES of REGULAR MEETING
of the BOARD of COMMISSIONERS
of the CITY of BOWLING GREEN, KENTUCKY
held JULY 5, 2005**

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 5, 2005. Mayor Elaine N. Walker called the meeting to order. An invocation was given by Coach Jimmy Feix from the Fellowship of Christian Athletes, and all present recited the Pledge of Allegiance. City Clerk Katie Schaller called the roll, and the following members were present: Commissioner Mark D. Alcott, Commissioner Brian "Slim" Nash, Commissioner Delane Simpson, Commissioner Brian K. Strow and Mayor Elaine N. Walker. Absent: none. There was a full quorum of the Board of Commissioners.

PUBLIC COMMENTS

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

CITY MANAGER

Interim City Manager Kenneth R. Thompson stated that a revised version of Municipal Order No. 2005 - 179 was previously provided.

PRESENTATION

Public Works Director Emmett Wood presented four options for a conceptual redesign of the 14th Avenue Realignment project. He reviewed each option and stated that option "C" was the option that had the most support from the various parties involved in the process, including the College Hill neighborhood.

APPROVAL OF MINUTES

Minutes of Regular Meeting June 21, 2005 and Special Meeting June 28, 2005

Minutes of the above-referenced meetings were distributed to the Board of Commissioners with the Agenda for their review. Motion was made by Alcott 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: Alcott, Nash, Simpson, Strow and Walker
 Voting Nay: None

Motion to approve the minutes of the regular meeting of June 21, 2005 and special meeting of June 28, 2005 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2005 - 171

**MUNICIPAL ORDER AUTHORIZING SOFTWARE SUBSCRIPTION
SERVICES WITH GEAC PUBLIC SAFETY IN THE AMOUNT OF
\$79,855 FOR FISCAL YEAR 2006**

Summary of Municipal Order No. 2005 - 171 was read by City Clerk Katie Schaller. Chief Information Officer Penny Bradley stated that this was an annual renewal for software support services. Motion was made by Nash and seconded by Simpson for consideration of said Municipal Order. Mayor Walker asked for additional discussion, and with none, a roll call vote was taken.

ROLL CALL: Voting Yea: Alcott, Nash, Simpson, Strow and Walker
 Voting Nay: None

Municipal Order No. 2005 - 171 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2005 - 172

MUNICIPAL ORDER AUTHORIZING SOFTWARE SUBSCRIPTION SERVICES FROM KVS INFORMATION SYSTEMS, INC. IN THE AMOUNT OF \$46,644 FOR FISCAL YEAR 2006

Summary of Municipal Order No. 2005 - 172 was read by the City Clerk. Bradley indicated that this was an annual renewal for software support services and responded to questions regarding a recent modification to the system. Motion was made by Simpson and seconded by Alcott for consideration of said Municipal Order. Mayor Walker asked for additional discussion, and with none, a roll call vote was taken.

ROLL CALL: Voting Yea: Alcott, Nash, Simpson, Strow and Walker
 Voting Nay: None

Municipal Order No. 2005 - 172 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2005 - 173

MUNICIPAL ORDER DESIGNATING THE NATIONAL INCIDENT MANAGEMENT SYSTEM (NIMS) AS THE BASIS FOR ALL INCIDENT MANAGEMENT IN THE CITY OF BOWLING GREEN

Summary of Municipal Order No. 2005 - 173 was read by the City Clerk. Police Captain Quentin Hughes reviewed the requirement to adopt this designation by October 1, 2005. Motion was made by Strow and seconded by Nash for consideration of said Municipal Order. Mayor Walker asked for additional discussion, and with none, a roll call vote was taken.

ROLL CALL: Voting Yea: Alcott, Nash, Simpson, Strow and Walker
 Voting Nay: None

Municipal Order No. 2005 - 173 was approved by unanimous vote.

**MUNICIPAL ORDER NO. 2005 - 174
(Resolution No. 05-30WC)**

JOINT MUNICIPAL ORDER OF THE CITY OF BOWLING GREEN AND RESOLUTION OF WARREN COUNTY AUTHORIZING AND ENDORSING EXHIBITION OF AIRCRAFT AT BOWLING GREEN-WARREN COUNTY REGIONAL AIRPORT

Summary of Municipal Order No. 2005 - 174 was read by the City Clerk. Motion was made by Strow and seconded by Nash for consideration of said Municipal Order. Mayor Walker asked for

additional discussion, and with none, a roll call vote was taken.

ROLL CALL: Voting Yea: Alcott, Nash, Simpson, Strow and Walker
 Voting Nay: None

Municipal Order No. 2005 - 174 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2005 - 175

MUNICIPAL ORDER AUTHORIZING AND ACCEPTING BID #2005-33 FOR ARCHITECTURAL SERVICES FOR THE STABILIZATION AND REHABILITATION OF AN HISTORIC AUTOMOBILE DEALERSHIP LOCATED AT 601 STATE STREET FROM KZF DESIGN INC. OF CINCINNATI, OHIO IN THE AMOUNT OF \$105,000

Summary of Municipal Order No. 2005 - 175 was read by the City Clerk. Downtown Redevelopment Authority Special Projects Coordinator CJ Johanson reviewed the selection and bid evaluation process. Mr. Johanson responded to questions regarding the historical designation of the facility and the grant funds received to date for restoration of the facility. DRA Executive Director Cheryl Blaine also responded to questions regarding the costs to renovate the facility. Motion was made by Alcott and seconded by Nash for consideration of said Municipal Order. Mayor Walker asked for additional discussion, and with none, a roll call vote was taken.

ROLL CALL: Voting Yea: Alcott, Nash, Simpson, Strow and Walker
 Voting Nay: None

Municipal Order No. 2005 - 175 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2005 - 176

MUNICIPAL ORDER APPROVING AND AUTHORIZING REIMBURSEMENT OF OUT-OF-TOWN TRAVEL EXPENSES TO CHICAGO, ILLINOIS FOR MAYOR ELAINE N. WALKER

Summary of Municipal Order No. 2005 - 176 was read by the City Clerk. Motion was made by Alcott and seconded by Simpson for consideration of said Municipal Order. Mayor Walker asked for additional discussion, and with none, a roll call vote was taken.

ROLL CALL: Voting Yea: Alcott, Nash, Simpson and Strow
 Voting Nay: None
 Voting Abstain: Walker

Municipal Order No. 2005 - 176 was approved by majority vote.

MUNICIPAL ORDER NO. 2005 - 177

MUNICIPAL ORDER AUTHORIZING ASSISTANT CITY CLERK TERESA S. WATWOOD THE POWER TO ATTEST DOCUMENTS EXECUTED BY THE MAYOR OR OTHER OFFICIALS FOR AND ON BEHALF OF THE CITY OF BOWLING GREEN IN THE ABSENCE OF THE CITY CLERK

Summary of Municipal Order No. 2005 - 177 was read by the City Clerk. City Clerk Katie Schaller reviewed the need to provide an additional person to attest official signatures. Motion was made by Simpson and seconded by Nash for consideration of said Municipal Order. Mayor Walker asked for additional discussion, and with none, a roll call vote was taken.

ROLL CALL: Voting Yea: Alcott, Nash, Simpson, Strow and Walker
 Voting Nay: None

Municipal Order No. 2005 - 177 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2005 - 178

MUNICIPAL ORDER AUTHORIZING AND ACCEPTING BID #2005-40 FOR TRANSFER STATION LEASE FROM REPUBLIC SERVICES OF KENTUCKY, LLC D/B/A MONARCH ENVIRONMENTAL OF BOWLING GREEN, KENTUCKY FOR THE AMOUNT OF \$240,000 PER YEAR AND AUTHORIZING THE MAYOR TO EXECUTE A LEASE / OPERATION AGREEMENT

Summary of Municipal Order No. 2005 - 178 was read by the City Clerk. Monarch Environmental General Manager Shirley Flener thanked the Board for its consideration. Public Works Director Emmett Wood reviewed the expected increase in revenues for lease of the facility. Motion was made by Strow and seconded by Nash for consideration of said Municipal Order. Mayor Walker asked for additional discussion, and with none, a roll call vote was taken.

ROLL CALL: Voting Yea: Alcott, Nash, Simpson, Strow and Walker
 Voting Nay: None

Municipal Order No. 2005 - 178 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2005 - 179

MUNICIPAL ORDER AUTHORIZING BOWLING GREEN MUNICIPAL UTILITIES (BGMU) TO EXPLORE THE FEASIBILITY OF A FIBER TO THE HOME (FTTH) NETWORK IN THE CITY OF BOWLING GREEN

Summary of Municipal Order No. 2005 - 179 was read by the City Clerk. Comm. Mark Alcott explained that if BGMU deemed it feasible, it could offer more services through its fiber optic system and create a competitive environment. BGMU General Manager Brian Skelton stated that a thorough study would be completed and BGMU would report back to the City. BGMU General Services Division Manager Teresa Newman reviewed the fiber optic system in place and the types of services currently being offered. President of Cinergy Communications John Cinellie reviewed the advantages to having a network already in place which would permit more competition with providing services.

Insight Communications General Manager Rick Williams and Insight Communications Regional Manager for Government and Regulatory Affairs John Dobkin expressed concerns with the scope of the feasibility study and the impact on Insight's business. In addition, Mr. Dobkin noted that competition already exists and that it was an unfair advantage to new companies to not have to invest in their own infrastructure.

Former BGMU Board member David Coverdale provided a history of the fiber optic system from its inception. He stated that it was not BGMU's original intent to build a cable system and requested that the Board of Commissioners exercise caution as it proceeds.

BellSouth Regional Manager Dave Weller stated that BellSouth already shares its fiber network with competitors. He cautioned the Board to not be too restrictive and to consider all costs in the feasibility study.

Comm. Strow suggested using a third party to conduct the feasibility study. Mr. Skelton stated that BGMU did not intend to complete the entire study in-house.

With a question raised by Comm. Strow regarding the language of this municipal order, Mayor Walker expressed concern that the City would not have any further input. Motion was made by Alcott and seconded by Strow to amend paragraph "1." in Municipal Order No. 2005-179 to include the Board of Commissioners, along with BGMU, with determining feasibility once the study was complete. Mayor Walker asked for discussion, and with none, a roll call vote was taken.

ROLL CALL: Voting Yea: Alcott, Nash, Strow and Walker
 Voting Nay: Simpson

Motion to amend Municipal Order No. 2005 - 179 was approved by majority vote.

Once all discussion concluded, motion was made by Nash and seconded by Alcott for consideration of said Municipal Order as amended. With no additional discussion, a roll call vote was taken.

ROLL CALL: Voting Yea: Alcott, Nash, Strow and Walker
 Voting Nay: Simpson

Municipal Order No. 2005 - 179, as amended, was approved by majority vote.

MUNICIPAL ORDER NO. 2005 - 180

MUNICIPAL ORDER APPROVING A RADIO TRANSMISSION
TOWER SITE LEASE AGREEMENT WITH MOBILE
COMMUNICATIONS SERVICE OF BOWLING GREEN, INC. AND
AUTHORIZING THE MAYOR TO EXECUTE THE LEASE
AGREEMENT

Summary of Municipal Order No. 2005 - 180 was read by the City Clerk. Interim City Manager Ken Thompson stated that this agreement extends the lease and assigns it to the appropriation company. Motion was made by Alcott and seconded by Strow for consideration of said Municipal Order. Mayor Walker asked for additional discussion, and with none, a roll call vote was taken.

ROLL CALL: Voting Yea: Alcott, Nash, Simpson, Strow and Walker
 Voting Nay: None

Municipal Order No. 2005 - 180 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2005 - 181

MUNICIPAL ORDER AUTHORIZING AND ACCEPTING BID
#2005-30 FOR EXPLOSIVES / NARCOTICS HAND HELD TRACE

DETECTORS FROM SMITHS DETECTION OF DANBURY,
CONNECTICUT IN THE AMOUNT OF \$48,420

Summary of Municipal Order No. 2005 - 181 was read by the City Clerk. Police Captain Quentin Hughes reviewed the grant award which will be used to purchase this equipment. Hughes responded to questions regarding the use of this equipment and its shelf life. Motion was made by Simpson and seconded by Alcott for consideration of said Municipal Order. Mayor Walker asked for additional discussion, and with none, a roll call vote was taken.

ROLL CALL: Voting Yea: Alcott, Nash, Simpson, Strow and Walker
 Voting Nay: None

Municipal Order No. 2005 - 181 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2005 - 182

MUNICIPAL ORDER APPROVING THE PROMOTION OF EDWIN
QUENTIN HUGHES TO THE POSITION OF ASSISTANT POLICE
CHIEF IN THE POLICE DEPARTMENT

Summary of Municipal Order No. 2005 - 182 was read by the City Clerk. Human Resources Director Michele Tolbert reviewed the promotional testing process and subsequent eligibility list. She also reviewed Hughes' qualifications for promotion. Motion was made by Nash and seconded by Alcott for consideration of said Municipal Order. Mayor Walker asked for additional discussion, and with none, a roll call vote was taken.

ROLL CALL: Voting Yea: Alcott, Nash, Simpson, Strow and Walker
 Voting Nay: None

Municipal Order No. 2005 - 182 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2005 - 183

MUNICIPAL ORDER APPROVING THE PROBATIONARY
APPOINTMENT OF ROXANNA L. ROSS TO THE POSITION OF
ANIMAL CONTROL OFFICER IN THE POLICE DEPARTMENT

Summary of Municipal Order No. 2005 - 183 was read by the City Clerk. Tolbert reviewed the recent addition of a full-time position with the approval of the budget. She also reviewed Ross' qualifications for appointment. Motion was made by Nash and seconded by Strow for consideration of said Municipal Order. Mayor Walker asked for additional discussion, and with none, a roll call vote was taken.

ROLL CALL: Voting Yea: Alcott, Nash, Simpson, Strow and Walker
 Voting Nay: None

Municipal Order No. 2005 - 183 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2005 - 184

MUNICIPAL ORDER DECLARING PROPERTY LOCATED AT 623
W. MAIN SURPLUS AND AUTHORIZING EXCHANGE OF THIS

PROPERTY FOR PROPERTY LOCATED AT 317 W. MAIN
BELONGING TO MILLER & YORK LLC

Summary of Municipal Order No. 2005 - 184 was read by the City Clerk. Housing and Community Development Director Alice Burks reviewed the recommended exchange of property. Motion was made by Alcott and seconded by Simpson for consideration of said Municipal Order. Mayor Walker asked for additional discussion, and with none, a roll call vote was taken.

ROLL CALL: Voting Yea: Alcott, Nash, Simpson, Strow and Walker
 Voting Nay: None

Municipal Order No. 2005 - 184 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2005 – 185

MUNICIPAL ORDER AUTHORIZING THE HOUSING AND
COMMUNITY DEVELOPMENT DIRECTOR TO NEGOTIATE FOR
AND EXECUTE DEEDS AND OTHER DOCUMENTS RELATED
TO LAND ACQUISITION FOR THE SOUTHWEST PARKWAY
PROJECT

Summary of Municipal Order No. 2005 - 185 was read by the City Clerk. Motion was made by Alcott and seconded by Strow for consideration of said Municipal Order. Mayor Walker asked for discussion, and with none, a roll call vote was taken.

ROLL CALL: Voting Yea: Alcott, Nash, Simpson, Strow and Walker
 Voting Nay: None

Municipal Order No. 2005 - 185 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2005 – 186

MUNICIPAL ORDER AUTHORIZING AND ACCEPTING BID
#2005-45 FOR AUDIT SERVICES FROM CROWE CHIZEK AND
COMPANY LLC OF LOUISVILLE, KENTUCKY IN THE AMOUNT
OF \$64,945

Summary of Municipal Order No. 2005 - 186 was read by the City Clerk. Acting Chief Financial Officer reviewed the bid process. Motion was made by Nash and seconded by Alcott for consideration of said Municipal Order. Mayor Walker asked for additional discussion, and with none, a roll call vote was taken.

ROLL CALL: Voting Yea: Alcott, Nash, Simpson, Strow and Walker
 Voting Nay: None

Municipal Order No. 2005 - 186 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2005 – 187

MUNICIPAL ORDER APPROVING THE PROMOTION OF
MICHAEL T. PILLOW TO THE POSITION OF CREW
SUPERVISOR II IN THE PUBLIC WORKS DEPARTMENT

Summary of Municipal Order No. 2005 - 187 was read by the City Clerk. Tolbert reviewed the recommended promotion. Motion was made by Simpson and seconded by Alcott for consideration of said Municipal Order. Mayor Walker asked for additional discussion, and with none, a roll call vote was taken.

ROLL CALL: Voting Yea: Alcott, Nash, Simpson, Strow and Walker
 Voting Nay: None

Municipal Order No. 2005 - 187 was approved by unanimous vote.

REMOVE FROM TABLE

Motion was made by Strow and seconded by Alcott to remove Ordinance No. BG2005 - 2 from the table for discussion and consideration of first reading. With no discussion, a roll call vote was taken.

ROLL CALL: Voting Yea: Alcott, Nash, Simpson, Strow and Walker
 Voting Nay: None

Motion to remove Ordinance No. BG2005 - 2 from the table for consideration at this time was approved by unanimous vote.

ORDINANCE NO. BG2005 - 2

(First Reading)

ORDINANCE AMENDING CODE OF ORDINANCES

ORDINANCE AMENDING CHAPTER 2 (ADMINISTRATION) OF THE CITY OF BOWLING GREEN CODE OF ORDINANCES TO CREATE A NEW SECTION REGARDING THE USE OF EMINENT DOMAIN

Title and summary of Ordinance No. BG2005 - 2 was read by the City Clerk. Comm. Strow reviewed the intent of this ordinance to narrowly define public use. He stated that he disagreed with the recent U.S. Supreme Court decision regarding the use of eminent domain for private development. He also disagreed with allowing eminent domain to be used as a threat to purchase property.

Mayor Walker clarified that Kentucky statutes restrict the ability of public entities from taking private property for economic development and that the Supreme Court decision does not apply to Kentucky. She stated that the Board has the responsibility to do what is best for its citizens. She further stated that eminent domain can be used to eliminate slum and blight. She strongly opposed taking this tool away and stated that there is no requirement to force the use of eminent domain in purchasing property. Comm. Simpson agreed.

Interim City Manager Ken Thompson pointed out that only the Board of Commissioners could approve the use of eminent domain and that any staff member using it as a threat could be disciplined.

Comm. Alcott stated that he fundamentally disagreed with taking property for private use and suggested an amendment to the ordinance language. Motion was made by Alcott and seconded by Strow to amend Ordinance No. BG2005 - 2 to include "and public projects" at the end of paragraph 2-1.10. Once all discussion concluded regarding the suggested changes, a roll call vote was taken.

ROLL CALL: Voting Yea: Alcott, Nash and Strow

Voting Nay: Simpson and Walker

Motion to amend Ordinance No. BG2005 - 2 was approved by majority vote.

Comm. Nash expressed his concern with using eminent domain as a threat. Thompson stated that eminent domain would only be used as a last resort. Housing and Community Development Director Alice Burks responded to questions regarding sales contracts and the assembly of property for a particular development plan. City Attorney Gene Harmon provided examples of when eminent domain has been previously approved.

Once all discussion concluded, motion was made by Alcott and seconded by Strow for first reading of said Ordinance as amended. Mayor Walker asked for additional discussion, and with none, a roll call vote was taken.

ROLL CALL: Voting Yea: Alcott, Nash and Strow

Voting Nay: Simpson and Walker

First reading of Ordinance No. BG2005 - 2 as amended was approved by majority vote.

ADJOURNMENT

Mayor Walker announced that July 19, 2005 was the next scheduled meeting of the Board. There being no further business to come before the Board of Commissioners, at approximately 9:55 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) overview of the Select Neighborhood Action Program (SNAP); and (2) selection process and determination of the selection criteria of the Board of Commissioners for a new City Manager.

ADOPTED: _____

APPROVED: _____
Mayor, Chairman of Board of Commissioners

ATTEST: _____
City Clerk

Minutes prepared by City Clerk Katie Schaller