

**MINUTES of REGULAR MEETING
of the BOARD of COMMISSIONERS
of the CITY of BOWLING GREEN, KENTUCKY
held AUGUST 16, 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 August 16, 2005. Mayor Elaine N. Walker called the meeting to order. An invocation was given by Pastor Robert Weldon of Holy Trinity Church, 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.

CHANGE ORDER OF AGENDA

With no objection from the Board, Mayor Walker stated that Resolution No. 2005 - 1 would be considered at this time.

RESOLUTION NO. 2005 - 1

**RESOLUTION OF THE BOWLING GREEN BOARD OF
COMMISSIONERS RECOGNIZING THE FLAG OF THE FORMER
REPUBLIC OF VIET NAM AS THE OFFICIAL SYMBOLIC FLAG
OF THE VIETNAMESE AMERICANS RESIDING IN THE CITY OF
BOWLING GREEN, KENTUCKY**

Summary of Resolution No. 2005 - 1 was read by City Clerk Katie Schaller. Comm. Alcott stated his desire to assist the local community of Vietnamese Americans and recognized those in attendance. On behalf of the Bowling Green Vietnamese Association, Hung Sung Trinh expressed gratitude for the Board's recognition of the symbolic flag of the Vietnamese American stating that the yellow flag with three red stripes is a symbol of hope and love of freedom for the Vietnamese. Motion was made by Alcott and seconded by Nash for consideration of said Resolution. 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

Resolution No. 2005 - 1 was approved by unanimous vote.

S.T.A.R. AWARDS

Citizen Information and Assistance Director Mike Grubbs announced the recipient of the semi-annual *Linda Taylor Leigh S.T.A.R. (Service to Area Residents) Award* to recognize excellent customer service by City employees who are nominated by fellow employees or citizens. Grubbs stated that nominations were received and reviewed by an employee committee, and the five nominees were (1) Civil Engineer Mark Absher of the Department of Public Works, (2) Assistant to the City Manager Shawna Dowell of the Office of City Manager, (3) Pre-school Program Teachers Scottie Halter and Sue Smith of the Department of Parks and Recreation, (4) City Treasurer and Acting Chief Financial

Officer Jeff Meisel of the Department of Finance, and (5) Hydrologist Tim Slattery of the Department of Public Works. Grubbs presented each nominee with a lapel pin and a display for their work area denoting "I'm a rising star." Grubbs, with Mayor Walker's assistance, presented the *Linda Taylor Leigh S.T.A.R. Award* for the first half of 2005 to Civil Engineer Mark Absher.

HONORARY CITIZENSHIP

Mayor Walker presented Dr. Mahmoud Shalabieh with a Certificate of Honorary Citizenship of the City of Bowling Green. Dr. Shalabieh was participating in a Journalism (Internews Program) exchange at Western Kentucky University.

PUBLIC COMMENTS

Leader of the Madison Avenue Neighborhood Watch Committee Susie Basham expressed concerns regarding property code violations in her neighborhood and requested stiffer fines for repeat offenders and shorter correction periods. She requested that the Board consider addressing the problem of open trashcans and recycling bins that disburse trash in yards. Mayor Walker stated that these issues would be addressed in the near future.

Donna Renaud requested \$10,000 of funding from the City to support and continue sponsorship of the International Festival. She also requested that the funding be expedited since the festival is scheduled for September 24, 2005. Mayor Walker and Comm. Simpson stated they supported funding. Comm. Strow, Comm. Nash and Comm. Alcott stated they supported the festival, but expressed concerns with the funding process. Following continued discussion regarding the previously determined procedural process for disbursing Special Contribution Funds to various organizations, the Board agreed to provide the International Festival with the same level of funding as it received in Fiscal Year 2005, as well as to open the August 31, 2005 application deadline to all applicants. In addition, Mayor Walker recommended that the International Festival be included in the Agency Funding process for next year's funding.

BRIEF RECESS

The Board of Commissioners took a brief recess before proceeding with the agenda.

CITY MANAGER

Interim City Manager Kenneth R. Thompson had no comments at this time.

APPROVAL OF MINUTES

Minutes of Special Meeting July 29, 2005 and Regular Meeting August 2, 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 special meeting of July 29, 2005 and regular meeting of August 2, 2005 was approved by unanimous vote.

LATE-FILE REQUEST

Mayor Walker requested the addition of a late-filed Municipal Order to the agenda to approve an appointment to the Local Property Tax Appeals Board. She stated that this appointment was needed in order for the Property Valuation Office to respond to property assessment appeals. Comm. Nash and Comm. Alcott stated that they disagreed with the addition of late-filed items. Since there was no motion made, the late-filed item was not added and could not be considered.

ORDINANCE NO. BG2005 - 31

(Second Reading)

ORDINANCE REZONING REAL ESTATE

ORDINANCE REZONING A TRACT OF LAND CONTAINING 1.989 ACRES FROM AG (AGRICULTURE) TO HB (HIGHWAY BUSINESS) LOCATED ON CUMBERLAND TRACE ROAD, WITH BINDING ELEMENTS, PRESENTLY OWNED BY JIM DIEMER'S BIG STAR SUPERMARKETS, INC.

Title and summary of Ordinance No. BG2005 - 31 was read by the City Clerk. Motion was made by Strow and seconded by Alcott for second reading of said Ordinance. 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

Ordinance No. BG2005 - 31 was adopted by majority vote.

ORDINANCE NO. BG2005 - 32

(Second Reading)

ORDINANCE REZONING REAL ESTATE

ORDINANCE REZONING TWO TRACTS OF LAND CONTAINING 4.71 ACRES FROM LI (LIGHT INDUSTRY) TO P (PUBLIC) AND RS-1D (SINGLE FAMILY RESIDENTIAL) LOCATED IN THE 200 BLOCK OF STATE AND COLLEGE STREETS, WITH BINDING ELEMENTS, PRESENTLY OWNED BY THE CITY OF BOWLING GREEN, HANDS, INC. AND TRINITY HOUSING PARTNERS

Title and summary of Ordinance No. BG2005 - 32 was read by the City Clerk. Motion was made by Nash and seconded by Alcott for second reading of said Ordinance. 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

Ordinance No. BG2005 - 32 was adopted by unanimous vote.

ORDINANCE NO. BG2005 - 35
(Second Reading)
ORDINANCE REZONING REAL ESTATE

ORDINANCE REZONING A TRACT OF LAND CONTAINING SIX ACRES FROM AG (AGRICULTURE) TO OP-C (OFFICE PROFESSIONAL-COMMERCIAL) LOCATED ON LOVERS LANE, WITH BINDING ELEMENTS, PRESENTLY OWNED BY LOVERS LANE LAND AND FARM, LLC

Title and summary of Ordinance No. BG2005 - 35 was read by the City Clerk. Motion was made by Strow and seconded by Alcott for second reading of said Ordinance. 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

Ordinance No. BG2005 - 35 was adopted by unanimous vote.

ORDINANCE NO. BG2005 - 36
(Second Reading)
ORDINANCE AMENDING CODE OF ORDINANCES

ORDINANCE AMENDING CHAPTER 18 (OCCUPATIONAL LICENSE FEES AND TAXES), SUBCHAPTER 18-14 (TRANSIENT ROOM TAX) OF THE CITY OF BOWLING GREEN CODE OF ORDINANCES RELATED TO PAYMENT OF ROOM TAX TO ASSIST IN THE PAYMENT OF THE COST OF THE ACQUISITION, CONSTRUCTION, OPERATION, BOND PAYMENT AND MAINTENANCE OF THE CONVENTION CENTER OF BOWLING GREEN/WARREN COUNTY

Title and summary of Ordinance No. BG2005 - 36 was read by the City Clerk. Motion was made by Simpson and seconded by Alcott for second reading of said Ordinance. 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

Ordinance No. BG2005 - 36 was adopted by unanimous vote.

MUNICIPAL ORDER NO. 2005 - 218

MUNICIPAL ORDER APPROVING AND AUTHORIZING REIMBURSEMENT OF OUT-OF-TOWN TRAVEL EXPENSES TO NASHVILLE, TENNESSEE FOR COMMISSIONER BRIAN "SLIM" NASH

Summary of Municipal Order No. 2005 - 218 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, Simpson, Strow and Walker
 Voting Nay: None
 Voting Abstain: Nash
Municipal Order No. 2005 - 218 was approved by majority vote.

ORDINANCE NO. BG2005 - 37
(First Reading)
ORDINANCE REZONING REAL ESTATE

ORDINANCE REZONING TWO TRACTS OF LAND CONTAINING
12.22 ACRES FROM AG (AGRICULTURE) TO RS-1A (SINGLE
FAMILY RESIDENTIAL) AND RS-1C (SINGLE FAMILY
RESIDENTIAL) LOCATED ON SCOTT LANE, WITH BINDING
ELEMENTS, PRESENTLY OWNED BY V. RICHARD AND K.
SHEA ROGERS

Title and summary of Ordinance No. BG2005 - 37 was read by the City Clerk. Planning Commission Director Andy Gillies reviewed the rezoning and its associated binding elements. Motion was made by Alcott and seconded by Simpson for first reading of said Ordinance. 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
First reading of Ordinance No. BG2005 - 37 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2005 - 215

MUNICIPAL ORDER APPROVING THE APPOINTMENT OF
VALERIE SHARBER TO THE BOWLING GREEN ENTERPRISE
COMMUNITY, INC. BOARD OF DIRECTORS

Summary of Municipal Order No. 2005 - 215 was read by the City Clerk. Mayor Walker recommended the appointment. 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 - 215 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2005 - 219

MUNICIPAL ORDER APPROVING CONSTRUCTION AND
ACCEPTING MAINTENANCE OF VARIOUS STREETS IN
CHERRY FARMS SUBDIVISION, SECTION II (CHERRY PARK)

Summary of Municipal Order No. 2005 - 219 was read by the City Clerk. Public Works Director Emmett Wood responded to questions regarding impact to manpower and requirements of developers to meet specific construction standards. 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 - 219 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2005 - 220

MUNICIPAL ORDER APPROVING AND AUTHORIZING REIMBURSEMENT OF OUT-OF-TOWN TRAVEL EXPENSES TO FLORENCE, KENTUCKY FOR MAYOR ELAINE N. WALKER, COMMISSIONER BRIAN "SLIM" NASH AND THOMPSON CONSULTING GROUP LLC FOR INTERIM CITY MANAGER KENNETH R. THOMPSON

Summary of Municipal Order No. 2005 - 220 was read by the City Clerk. Motion was made by Simpson and seconded by Alcott 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, Simpson and Strow
Voting Nay: None
Voting Abstain: Nash and Walker

Municipal Order No. 2005 - 220 was approved by majority vote.

ORDINANCE NO. BG2005 - 38

(First Reading)

ORDINANCE AMENDING CODE OF ORDINANCES

ORDINANCE AMENDING CHAPTER 9 (CRIMES AND OFFENSES) OF THE CITY OF BOWLING GREEN CODE OF ORDINANCES RELATED TO THE CONSUMPTION OF ALCOHOLIC BEVERAGES ON PROPERTY OWNED OR MAINTAINED BY THE CITY OF BOWLING GREEN

Title and summary of Ordinance No. BG2005 - 38 was read by the City Clerk. Parks and Recreation Director Ernie Gouvas reviewed the recommended changes to modernize the language. Comm. Nash encouraged approval to allow the golf courses to be more competitive among others in the region. Motion was made by Simpson and seconded by Alcott for first reading of said Ordinance. 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

First reading of Ordinance No. BG2005 - 38 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2005 - 221

MUNICIPAL ORDER AUTHORIZING AND APPROVING A MEMORANDUM OF UNDERSTANDING AND AN ADDENDUM TO MANDALAY MEMORANDUM OF UNDERSTANDING WITH

**MANDALAY BASEBALL PROPERTIES, LLC REGARDING A
PROPOSED REDEVELOPMENT PROJECT IN DOWNTOWN
BOWLING GREEN**

Summary of Municipal Order No. 2005 - 221 was read by the City Clerk. Mayor Walker stated that this item formalizes the discussion held at the previous meeting. Comm. Nash pointed out that the City would not be expending any funds during this study. Interim City Manager Ken Thompson agreed to Comm. Strow's request that all property owners in the study area be notified that their property is being studied. Comm. Strow made a motion, seconded by Nash, to amend Municipal Order 2005 - 221 to include the City-County Planning Commission as a participant in discussions, along with the Downtown Redevelopment Authority and the City.

Once discussion ended, motion was made by Nash and seconded by Simpson for consideration of said Municipal Order, as amended. 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 - 221 as amended was approved by unanimous vote.

MUNICIPAL ORDER NO. 2005 - 222

**MUNICIPAL ORDER AUTHORIZING THE MAYOR TO EXECUTE
A LEASE AGREEMENT WITH THE BOWLING GREEN JUNIOR
WOMAN'S CLUB TO LEASE FOUNTAIN SQUARE PARK AND
PARK ROW ON AUGUST 26, 2005 FOR THE DUNCAN HINES
FESTIVAL DANCE**

Summary of Municipal Order No. 2005 - 222 was read by the City Clerk. 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 - 222 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2005 - 223

**MUNICIPAL ORDER AUTHORIZING THE PURCHASE OF
SAVINGS BONDS FROM US BANK OF BOWLING GREEN,
KENTUCKY IN THE AMOUNT OF \$64,100 FOR THE SAFETY
COMPLIANCE INCENTIVE PROGRAM, AND DISTRIBUTION OF
THE SAVINGS BONDS TO QUALIFYING EMPLOYEES**

Summary of Municipal Order No. 2005 - 223 was read by the City Clerk. Safety Training Manager David Weisbrodt reviewed the incentive program. 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 - 223 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2005 - 224

MUNICIPAL ORDER AUTHORIZING EXERCISE OF SECOND YEAR OPTION FOR CONTRACTS ACCEPTED BY BID #2005-01 FROM BLUEGRASS UNIFORMS, INC. AND NAT'S OUTDOOR SPORTS OF BOWLING GREEN, KENTUCKY FOR UNIFORMS, TURNOUT GEAR, EXERCISE WEAR AND RUNNING SHOES FOR THE FIRE DEPARTMENT AT A UNIT COST OF \$5,453.22

Summary of Municipal Order No. 2005 - 224 was read by the City Clerk. Deputy Fire Chief Walter Jordan indicated that the Fire Department recommended the option to renew last year's bid for one additional year. Interim City Manager Ken Thompson commented about the connection of one of the vendors with a City employee and the safeguards in place to avoid any conflicts of interest. 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 - 224 was approved by unanimous vote.

NOTE: Resolution No. 2005 - 1 was previously approved.

MUNICIPAL ORDER NO. 2005 - 225

MUNICIPAL ORDER APPROVING A CONTRACT THROUGH NONCOMPETITIVE NEGOTIATIONS WITH HARTLAND EQUIPMENT OF BOWLING GREEN, THROUGH JOHN DEERE COMPANY, INC. UNDER THE KENTUCKY STATE PRICING CONTRACT FOR THE PURCHASE OF A JOHN DEERE 6415 TRACTOR FOR THE PUBLIC WORKS DEPARTMENT, OPERATIONS DIVISION IN THE AMOUNT OF \$60,866.32

Summary of Municipal Order No. 2005 - 225 was read by the City Clerk. Public Works Director Emmett Wood responded to questions regarding the state pricing contract as compared to other vendors. 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 - 225 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2005 - 226

MUNICIPAL ORDER APPROVING THE PROBATIONARY APPOINTMENT OF CHRISTOPHER ALLEN POTTER TO THE

POSITION OF PARKS FACILITIES MAINTAINER IN THE PARKS
AND RECREATION DEPARTMENT, MAINTENANCE DIVISION

Summary of Municipal Order No. 2005 - 226 was read by the City Clerk. Human Resources Director Michele Tolbert reviewed the position and the qualifications of the recommended applicant. Although Comm. Alcott stated that he did not object to this appointment, he requested that all job openings be advertised externally and not just in-house. Tolbert indicated that the City's policy permits jobs to be advertised in-house and/or externally. Mayor Walker suggested that the policy be discussed at a future work session. 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 - 226 was approved by unanimous vote.

ADJOURNMENT

Mayor Walker announced that September 6, 2005 was the next scheduled meeting of the Board. There being no further business to come before the Board of Commissioners, at approximately 8:45 p.m., Mayor Walker declared this meeting adjourned.

ADOPTED: _____

APPROVED: _____
Mayor, Chairman of Board of Commissioners

ATTEST: _____
City Clerk

Minutes prepared by City Clerk Katie Schaller