

**MINUTES of REGULAR MEETING
of the BOARD of COMMISSIONERS
of the CITY of BOWLING GREEN, KENTUCKY
held MAY 17, 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 May 17, 2005. Mayor Pro Tem Brian "Slim" Nash called the meeting to order. An invocation was given by Bryan Veatch of 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 Delane Simpson, Commissioner Brian K. Strow, Commissioner Mark D. Alcott and Mayor Pro Tem Brian "Slim" Nash. Absent: Mayor Elaine N. Walker. There was a quorum of the Board of Commissioners.

AWARDS/RECOGNITIONS

Operation P.R.I.D.E. Director Catherine Thomas announced and presented Heather and Jay Rogers of 643 Hampton Drive as the award winners who have made significant improvements to their residential property for the month of May.

Housing and Community Development Intern John Bradley and Fair Housing Coordinator Amanda Osborne with the Human Rights Commission announced that six-year old Xavion Rigsby and eight-year old Eldar Gorak, who both attend Dishman-McGinnis Elementary School, are the winners of the Coloring Contest held during Fair Housing Month in April. Mayor Pro Tem Nash presented a Certificate of Appreciation to six-year old Xavion Rigsby who was in attendance. In addition, each winner will receive a \$100 Savings Bond and a \$50 gift certificate to Greenwood Mall.

PUBLIC COMMENTS

Henry Thompson, a resident of the Shawnee neighborhood, expressed his concerns with the deterioration of Riverview Drive located between the CSX Railroad and Beech Bend Road. He proposed that the road should be redesigned and resurfaced.

PRESENTATION

City Clerk Katie Schaller presented an overview of the City's history with funding agencies and the annual agency funding application and evaluation process.

APPROVAL OF MINUTES

Minutes of Special Meeting May 2, 2005

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

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

(Minutes-Board of Commissioners-May 17, 2005)

Motion to approve the minutes of the special meeting of May 2, 2005 was approved by unanimous vote.

Minutes of Regular Meeting May 3, 2005

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

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

Motion to approve the minutes of the regular meeting of May 3, 2005 was approved by unanimous vote.

Minutes of Special Meeting May 6, 2005

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

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

Motion to approve the minutes of the special meeting of May 6, 2005 was approved by majority vote.

Minutes of Special Meeting May 12, 2005

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

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

Motion to approve the minutes of the special meeting of May 12, 2005 was approved by unanimous vote.

ORDINANCE NO. BG2005 - 14

(Second Reading)

ORDINANCE AMENDING CODE OF ORDINANCES

**ORDINANCE AMENDING CHAPTERS 8 (CEMETERIES) AND 27
(PROPERTY CODE) OF THE CITY OF BOWLING GREEN CODE
OF ORDINANCES TO REGULATE DOMESTICATED ANIMALS IN
CITY-OWNED AND/OR OPERATED CEMETERIES**

Title and summary of Ordinance No. BG2005 - 14 was read by City Clerk Katie Schaller. Motion was made by Alcott and seconded by Strow for second reading of said Ordinance. Mayor Pro Tem Nash asked for discussion, and with none, a roll call vote was taken.

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

Voting Nay: None
Ordinance No. BG2005 - 14 was adopted by unanimous vote.

ORDINANCE NO. BG2005 - 15
(Second Reading)
ORDINANCE REZONING REAL ESTATE

ORDINANCE REZONING A TRACT OF LAND CONTAINING 2.63 ACRES FROM HB (HIGHWAY BUSINESS) TO RM-4 (MULTI-FAMILY RESIDENTIAL) LOCATED AT 1260 KENILWOOD WAY, WITH BINDING ELEMENTS, PRESENTLY OWNED BY JACKSON'S LANDING, INC.

Title and summary of Ordinance No. BG2005 - 15 was read by City Clerk Katie Schaller. Motion was made by Alcott and seconded by Simpson for second reading of said Ordinance. Mayor Pro Tem Nash asked for discussion, and with none, a roll call vote was taken.

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

Ordinance No. BG2005 - 15 was adopted by unanimous vote.

ORDINANCE NO. BG2005 - 16
(Second Reading)
ORDINANCE CLOSING A PUBLIC RIGHT-OF-WAY

ORDINANCE APPROVING THE CLOSING OF A 1.05 ACRE PORTION OF RIGHT-OF-WAY OF AN UNCONSTRUCTED PORTION OF WEST THIRD AVENUE

Title and summary of Ordinance No. BG2005 - 16 was read by City Clerk Katie Schaller. Motion was made by Simpson and seconded by Alcott for second reading of said Ordinance. Mayor Pro Tem Nash asked for discussion, and with none, a roll call vote was taken.

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

Ordinance No. BG2005 - 16 was adopted by unanimous vote.

ORDINANCE NO. BG2005 - 17
(Second Reading)
ORDINANCE REZONING REAL ESTATE

ORDINANCE REZONING TWO TRACTS OF LAND CONTAINING 0.88 ACRES FROM LI (LIGHT INDUSTRY) AND P (PUBLIC) TO PUD (PLANNED UNIT DEVELOPMENT) LOCATED ON CHESTNUT STREET AND EAST THIRD AVENUE, WITH BINDING ELEMENTS, PRESENTLY OWNED BY THE CITY OF BOWLING GREEN, HANDS, INC. AND MELCO DEVELOPMENT, LLC

Title and summary of Ordinance No. BG2005 - 17 was read by City Clerk Katie Schaller. Motion was made by Alcott and seconded by Simpson for second reading of said Ordinance. Mayor Pro Tem Nash asked for discussion, and with none, a roll call vote was taken.

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

Ordinance No. BG2005 - 17 was adopted by unanimous vote.

MUNICIPAL ORDER NO. 2005 - 108

MUNICIPAL ORDER APPROVING THE PROBATIONARY APPOINTMENT OF JARED J. WEAVER TO THE POSITION OF FORESTER/ARBORIST IN THE PARKS AND RECREATION DEPARTMENT, LANDSCAPE DIVISION

Summary of Municipal Order No. 2005 - 108 was read by the City Clerk. Human Resources Director Michele Tolbert reviewed the position and qualifications of the recommended applicant. Motion was made by Alcott and seconded by Strow for consideration of said Municipal Order. Mayor Pro Tem Nash asked for additional discussion, and with none, a roll call vote was taken.

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

Municipal Order No. 2005 - 108 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2005 - 109

MUNICIPAL ORDER AUTHORIZING SUBMISSION OF AN APPLICATION FOR FUNDING UNDER THE HOME TENANT BASED RENTAL ASSISTANCE PROGRAM

Summary of Municipal Order No. 2005 - 109 was read by the City Clerk. Housing Manager Vallory Schocke reviewed the grant application and responded to questions regarding the Housing Choice Voucher and Family Self-Sufficiency programs. Motion was made by Simpson and seconded by Alcott for consideration of said Municipal Order. Mayor Pro Tem Nash asked for additional discussion, and with none, a roll call vote was taken.

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

Municipal Order No. 2005 - 109 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2005 - 110

MUNICIPAL ORDER APPROVING AN AGREEMENT BETWEEN THE KENTUCKY TRANSPORTATION CABINET AND THE DEPOT DEVELOPMENT AUTHORITY IN THE AMOUNT OF \$280,000, AND AUTHORIZING THE MAYOR TO EXECUTE ALL NECESSARY DOCUMENTS

Summary of Municipal Order No. 2005 - 110 was read by the City Clerk. Operation P.R.I.D.E. Director Catherine Thomas stated that this grant, if awarded, would provide the funds to

complete the renovation of the L & N Historic Depot. She responded to questions regarding the required 20% grant match. Motion was made by Alcott and seconded by Strow for consideration of said Municipal Order. Mayor Pro Tem Nash asked for additional discussion, and with none, a roll call vote was taken.

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

Municipal Order No. 2005 - 110 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2005 - 111

MUNICIPAL ORDER DIRECTING THE USE OF EXCESS NET PROFITS AND OCCUPATIONAL WITHHOLDINGS FROM THE FISCAL YEAR 2005 BUDGET TOWARD THE CIRCUS SQUARE DEVELOPMENT PROJECT

Summary of Municipal Order No. 2005 - 111 was read by the City Clerk. Commissioner Strow explained why he sponsored this item, but requested that it be **withdrawn** from consideration at this time.

MUNICIPAL ORDER NO. 2005 - 112

MUNICIPAL ORDER AUTHORIZING THE PLACEMENT OF EASEMENTS AND THE SALE OF CERTAIN PROPERTY PRESENTLY OWNED BY THE CITY OF BOWLING GREEN TO WARREN RURAL ELECTRIC COOPERATIVE CORPORATION (WRECC) FOR AN ELECTRICAL SUBSTATION AND POWER NETWORK

Summary of Municipal Order No. 2005 - 112 was read by the City Clerk. City Attorney Gene Harmon indicated that with the issuance of industrial revenue bonds for General Motors, the City holds the title to this property. Doug Elliott of Warren Rural Electric Cooperative Corporation (WRECC) responded to questions regarding the transfer of property, the type and number of power sources and the need to take title of the property. Motion was made by Alcott and seconded by Strow for consideration of said Municipal Order. Mayor Pro Tem Nash asked for additional discussion, and with none, a roll call vote was taken.

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

Municipal Order No. 2005 - 112 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2005 - 113

MUNICIPAL ORDER DIRECTING THE DIRECTOR OF PUBLIC WORKS TO ASSEMBLE ANY AND ALL DOCUMENTS NECESSARY TO MAKE APPLICATION TO THE CITY/COUNTY PLANNING COMMISSION FOR PERMANENT CLOSURE OF SHAWNEE WAY AT THE ENTRANCE TO LOST RIVER ESTATES

AND PERMANENT CLOSURE OF NAVAJO DRIVE AT THE
ENTRANCE TO SHAWNEE

Summary of Municipal Order No. 2005 - 113 was read by the City Clerk. Judy Brown of 907 Shawnee Way, Larry Martin of 2617 Navajo Drive, May Barnes of 2615 Navajo Drive, Laura Kramer of 840 Glenview Way, Philip Brent of 813 Shawnee Way, Shane Butler of 1035 Shawnee Way, Terry Minton of 2714 Utah Drive and Melissa Starkey of 718 Geronimo Way all expressed support for the closure of the roads citing pedestrian safety, reduced traffic and neighborhood vitality. Mr. Martin also presented copies of a petition for support of the closure which was circulated throughout the Shawnee neighborhood.

Tom Baldwin of 313 Lost River Lane and Virginia Viviano of 136 Shanks Mill Lane expressed opposition to the road closures. Mr. Baldwin requested that the Board wait until the area is fully developed before making a decision to close the roads.

Comm. Nash stated he introduced the item for the road closures to proceed to the next step. He also stated that if the closures occur, he would like to see a new road constructed to connect Patton Way to Campbell Lane. Comm. Alcott expressed his support for the road closures. Comm. Strow concurred that something needed to be done to address the traffic problems, but did not agree with closing the roads.

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

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

Municipal Order No. 2005 - 113 was approved by majority vote.

MUNICIPAL ORDER NO. 2005 - 114

MUNICIPAL ORDER APPROVING THE REAPPOINTMENT OF
BENJAMIN R. THOMAS TO THE POSITION OF OPERATIONS
TECHNICIAN II IN THE PUBLIC WORKS DEPARTMENT,
OPERATIONS DIVISION

Summary of Municipal Order No. 2005 - 114 was read by the City Clerk. Human Resources Director Tolbert reviewed Mr. Thomas' previous employment with the City and his recommended re-hire. Motion was made by Simpson and seconded by Alcott for consideration of said Municipal Order. Mayor Pro Tem Nash asked for additional discussion, and with none, a roll call vote was taken.

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

Municipal Order No. 2005 - 114 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2005 - 115

MUNICIPAL ORDER APPROVING THE PROBATIONARY
APPOINTMENTS OF DALE W. ADAMS, JOHN H. BAILEY,

GLENN C. COLLINS, II, MATTHEW W. DAVIS, NATHAN M. JOHNSON, HEATHER E. KEITH, ANDREW L. RYAN, BENJAMIN W. SAWYER, AND ALEXANDER C. WRIGHT AS POLICE OFFICERS IN THE POLICE DEPARTMENT

Summary of Municipal Order No. 2005 - 115 was read by the City Clerk. Tolbert stated that there were nine vacant positions to be filled in the Police Department and she reviewed the application process completed by all of the recommended applicants. Motion was made by Nash and seconded by Simpson for consideration of said Municipal Order. Mayor Pro Tem Nash asked for additional discussion, and with none, a roll call vote was taken.

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

Municipal Order No. 2005 - 115 was approved by unanimous vote.

ORDINANCE NO. BG2005 - 19

(First Reading)

ORDINANCE RELATING TO BUDGET AMENDMENT

ORDINANCE APPROVING AMENDMENT NUMBER TWO TO THE CITY OF BOWLING GREEN, KENTUCKY ANNUAL OPERATING BUDGET FOR FISCAL YEAR 2005

Title and summary of Ordinance No. BG2005 - 19 was read by the City Clerk. Acting Chief Financial Officer Jeff Meisel responded to questions regarding the requirement for budget amendment approval. Motion was made by Strow and seconded by Alcott for first reading of said Ordinance. Mayor Pro Tem Nash asked for additional discussion, and with none, a roll call vote was taken.

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

First reading of Ordinance No. BG2005 - 19 was approved by unanimous vote.

ORDINANCE NO. BG2005 - 18

(First Reading)

ORDINANCE ANNEXING PROPERTY BY CONSENT

ORDINANCE ANNEXING A TOTAL OF 89.12 ACRES OF PROPERTY LOCATED AT 634 LOVERS LANE, WITH PROPERTY PRESENTLY OWNED BY THE HUNT FAMILY PARTNERSHIP, AND 530 LOVERS LANE, WITH PROPERTY PRESENTLY OWNED BY BEVERLY K. SPANGLER, AND SAID TERRITORY BEING CONTIGUOUS TO EXISTING CITY LIMITS

Title and summary of Ordinance No. BG2005 - 18 was read by the City Clerk. City Attorney Gene Harmon noted that this was a voluntary annexation. Motion was made by Strow and seconded by Alcott for first reading of said Ordinance. Mayor Pro Tem Nash asked for additional discussion, and with none, a roll call vote was taken.

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

First reading of Ordinance No. BG2005 - 18 was approved by unanimous vote.

ADJOURNMENT

Mayor Pro Tem Nash announced that there will be special meetings and work sessions held May 23, 24, 25, 26 and 27 and that June 7, 2005 was the next regular scheduled meeting of the Board. There being no further business to come before the Board of Commissioners, at approximately 9:55 p.m., Mayor Pro Tem Nash declared this meeting adjourned.

ADOPTED: _____

APPROVED: _____
Mayor, Chairman of Board of Commissioners

ATTEST: _____
City Clerk

Minutes prepared by City Clerk Katie Schaller