

**MINUTES of REGULAR MEETING
of the BOARD of COMMISSIONERS
of the CITY of BOWLING GREEN, KENTUCKY
held MAY 3, 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 3, 2005. Mayor Elaine N. Walker called the meeting to order. An invocation was given by Commissioner Brian Strow, and all present recited the Pledge of Allegiance. City Clerk Katie Schaller called the roll, and the following members were present: Commissioner Brian K. Strow, Commissioner Mark D. Alcott, Commissioner Brian "Slim" Nash, Commissioner Delane Simpson and Mayor Elaine N. Walker. Absent: none. There was a full quorum of the Board of Commissioners.

PRESENTATIONS

Gene Kiser with the Division of Grants from the Governor's Office for Local Development (GOLD) spoke regarding the Circus Square CDBG Project. He reviewed the terms of the contract between the City and State and urged the City to consider all options available, including the use of eminent domain if necessary, to abide by this contractual obligation. Mayor Walker stated that she was committed to the development of Circus Square Park as it is the centerpiece of downtown redevelopment. Comm. Alcott stated that eminent domain should not be used and that the City should exhaust all other remedies available to acquire the properties needed for the project. Mr. Kiser acknowledged that administrative settlement was allowed and that eminent domain should be the last resort.

Downtown Redevelopment Authority Director Cheryl Blaine reported on the progress to date with the development of Circus Square. She stated that the total cost for completion of the project was estimated to be \$4.7 million. She requested that the Board commit any underspending from the Fiscal Year 2005 budget toward the project.

ACTING CITY MANAGER

Mayor Walker announced that Citizen Information and Assistance Director J. Michael Grubbs was appointed as Acting City Manager until an Interim City Manager is selected. Acting City Manager J. Michael Grubbs confirmed that a special meeting of the Board would be held at 9:30 a.m. on Friday, May 6, 2005. Grubbs also stated that items #3 (Ordinance No. BG2005 - 12) and #15 (Ordinance No. BG2005 - 18), both regarding annexations, were withdrawn from the agenda.

PRESENTATION

Police Chief Bill Waltrip introduced the Animal Control personnel. Animal Control Officer Dale Blair provided a status report on animal control and protection services since July 2004. He also responded to questions regarding the capture of the same animals over and over and returning to the same properties over and over.

APPROVAL OF MINUTES

Minutes of Regular Meeting April 19, 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 Strow to approve said minutes as written. Mayor Walker asked for discussion, and with none, a roll call vote was taken.

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

Motion to approve the minutes of the regular meeting of April 19, 2005 was approved by unanimous vote.

ORDINANCE NO. BG2005 - 11

(Second Reading)

ORDINANCE REZONING REAL ESTATE

ORDINANCE REZONING A TRACT OF LAND CONTAINING 14.84 ACRES FROM AG (AGRICULTURE) TO RS-1D (SINGLE FAMILY RESIDENTIAL) LOCATED ADJACENT TO GREYSTONE SUBDIVISION AND R. J. CORMAN RAILROAD, WITH BINDING ELEMENTS, PRESENTLY OWNED BY GREG AND JOE ANN GARY

Title and summary of Ordinance No. BG2005 - 11 was read by City Clerk Katie Schaller. Motion was made by Nash and seconded by Simpson for second reading of said Ordinance. Mayor Walker asked for discussion, and with none, a roll call vote was taken.

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

Ordinance No. BG2005 - 11 was adopted by unanimous vote.

NOTE: Ordinance No. BG2005 - 12 (second reading) annexing 90.889 acres of property located on Lovers Lane owned by Living Hope Baptist Church (Missionary), Inc. was previously withdrawn.

Commissioner Nash requested the consideration of Ordinance No. BG2005 - 14 (first reading) prior to consideration of Ordinance No. BG2005 - 8 (second reading).

ORDINANCE NO. BG2005 - 14

(First 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 the City Clerk. Comm. Nash indicated that in trying to find middle ground and to address concerns of animals defecating in the City

cemeteries, he proposed this ordinance to provide for civil penalties versus criminal penalties, and to require that owners or handlers clean up after their animals. Parks and Recreation Director Ernie Gouvas stated that this was an acceptable alternative to Ordinance No. BG2005 – 8. 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: Strow, Alcott, Nash, Simpson and Walker
Voting Nay: None

First reading of Ordinance No. BG2005 - 14 was approved by unanimous vote.

ORDINANCE NO. BG2005 – 8

(Second Reading)

ORDINANCE AMENDING CODE OF ORDINANCES

ORDINANCE AMENDING CHAPTER 8 (CEMETERIES) OF THE
CITY OF BOWLING GREEN CODE OF ORDINANCES TO
PROHIBIT DOGS IN CITY-OWNED CEMETERIES

Motion to remove Ordinance No. BG2005 – 8 from the table in order to be considered at this time was made by Strow and seconded by Simpson. With no discussion, a roll call vote was taken.

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

Motion to remove Ordinance No. BG2005 – 8 from the table for consideration was approved by unanimous vote. Title and summary of Ordinance No. BG2005 - 8 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: None
Voting Nay: Strow, Alcott, Nash, Simpson and Walker

Ordinance No. BG2005 - 8 was **defeated** by unanimous vote.

MUNICIPAL ORDER NO. 2005 – 97

MUNICIPAL ORDER AUTHORIZING THE HOUSING AUTHORITY
OF BOWLING GREEN TO RETAIN THE CITY’S PORTION OF THE
PAYMENT IN LIEU OF TAXES (PILOT) FOR THE 2004 TAX
YEAR IN THE AMOUNT OF \$18,196

Summary of Municipal Order No. 2005 - 97 was read by the City Clerk. Grubbs mentioned that this was an annual consideration to use funds by the Housing Authority for After School Programs. Housing Authority of Bowling Green Director Abraham Williams responded to questions regarding the use of funds and whether there are other grants available to provide such assistance. 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: Strow, Alcott, Nash, Simpson and Walker
Voting Nay: None

Municipal Order No. 2005 - 97 was approved by unanimous vote.

ORDINANCE NO. BG2005 - 15
(First 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 the City Clerk. Planning Commission Director Andy Gillies reviewed the recommended rezoning and its associated binding elements. In response to a question by Comm. Nash, Gillies stated that an agreement was reached regarding concerns by the hotel management group. 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: Strow, Alcott, Nash, Simpson and Walker
 Voting Nay: None

First reading of Ordinance No. BG2005 - 15 was approved by unanimous vote.

ORDINANCE NO. BG2005 - 16
(First 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 the City Clerk. Gillies reviewed the recommended right-of-way closing which was requested by the City of Bowling Green. He noted that the property would be given back to adjacent property owners. Motion was made by Strow 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: Strow, Alcott, Nash, Simpson and Walker
 Voting Nay: None

First reading of Ordinance No. BG2005 - 16 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2005 - 95

MUNICIPAL ORDER AUTHORIZING ADOPTION OF THE STRATEGIC PLAN 2005-2010-2020 FOR THE CITY OF BOWLING GREEN, KENTUCKY

Summary of Municipal Order No. 2005 - 95 was read by the City Clerk. Grubbs presented an outline of the Strategic Plan as prepared by Lyle Sumek Associates, Inc. with participation by citizens, city staff and elected officials. 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: Strow, Alcott, Nash, Simpson and Walker
 Voting Nay: None

Municipal Order No. 2005 - 95 was approved by unanimous vote.

ORDINANCE NO. BG2005 - 17
(First 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 the City Clerk. Gillies reviewed the recommended rezoning for the elderly housing development and 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: Strow, Alcott, Nash, Simpson and Walker
 Voting Nay: None

First reading of Ordinance No. BG2005 - 17 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2005 - 98

MUNICIPAL ORDER AUTHORIZING THE SUBMISSION OF AN APPLICATION FOR CONTINUATION OF THE FAMILY SELF-SUFFICIENCY (FSS) PROGRAM COORDINATOR FUNDS AND REQUESTING FUNDS FOR AN INITIAL FSS HOMEOWNERSHIP POSITION TO THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Summary of Municipal Order No. 2005 - 98 was read by the City Clerk. Family Counselor Carol McClure reviewed the program first implemented in 1993 and the continuation of program funds, including a new position request. 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: Strow, Alcott, Nash, Simpson and Walker
 Voting Nay: None

Municipal Order No. 2005 - 98 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2005 - 99

MUNICIPAL ORDER APPROVING THE YEAR 2 ANNUAL ACTION PLAN OF THE CONSOLIDATED PLAN FOR COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) ENTITLEMENT FUNDING AND AUTHORIZING ITS SUBMISSION TO THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Summary of Municipal Order No. 2005 - 99 was read by the City Clerk. Housing and Community Development Director Alice Burks reviewed the previous public hearings, the priorities of the Five-Year Consolidated Plan and the Year 2 Annual Plan which would provide for \$460,000 for Homeowner Rehab, \$150,000 for BG-WC Primary Care Center, \$25,000 for the Fair Housing Education program and \$5,000 for Administration. She also noted that the deadline to submit this Action Plan to Housing and Urban Development was May 15, 2005. Burks responded to questions regarding the ability to track funds spent for homeowner rehabilitation, requirements to keep properties maintained and property reassessments following rehabilitation.

Comm. Alcott suggested that homeownership should be the focus of the \$460,000, and recommended that the City partner with the Housing Authority to assist with development of Fort Webb Subdivision. Burks stated that in order to address adding a new project activity and project location, the Five-Year Consolidated Plan would need to be amended. She noted that this process would require a minimum of 60 days to complete the necessary public hearings. Once all discussion concluded with regard to addressing this proposal and how to proceed, motion was made by Strow and seconded by Alcott to table Municipal Order No. 2005 - 99 until the special meeting on Friday, May 6, 2005 in order for City Attorney Harmon to confirm the requirements to amend the Consolidated Plan. Mayor Walker asked for additional discussion, and with none, a roll call vote was taken.

ROLL CALL: Voting Yea: Strow, Alcott and Nash

Voting Nay: Simpson and Walker

Motion to table Municipal Order No. 2005 - 99 was approved by majority vote.

MUNICIPAL ORDER NO. 2005 - 100

MUNICIPAL ORDER AUTHORIZING THE MAYOR TO EXECUTE A LEASE AGREEMENT WITH DOWNTOWN REDEVELOPMENT AUTHORITY, INC. TO LEASE FOUNTAIN SQUARE PARK FOR CONCERTS IN THE PARK

Summary of Municipal Order No. 2005 - 100 was read by the City Clerk. Concerts in the Park Coordinator Heather Williams of Downtown Redevelopment Authority, Inc. responded to questions regarding the notification of downtown residents in advance of the concerts. 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: Strow, Alcott, Nash, Simpson and Walker

Voting Nay: None

Municipal Order No. 2005 - 100 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2005 - 101

MUNICIPAL ORDER DESIGNATING PERSONS TO EXECUTE
CHECKS ON BEHALF OF THE CITY OF BOWLING GREEN

Summary of Municipal Order No. 2005 - 101 was read by the City Clerk. Mayor Walker noted that with the loss of our Chief Financial Officer and City Manager, it was recommended to add the City Clerk as an authorized signature. 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: Strow, Alcott, Nash, Simpson and Walker
 Voting Nay: None

Municipal Order No. 2005 - 101 was approved by unanimous vote.

NOTE: Ordinance No. BG2005 - 18 (first reading) annexing a total of 83.12 acres of property located at 530 Lovers Lane owned by Beverly K. Spangler and at 634 Lovers Lane owned by Hunt Family Partnership was previously withdrawn.

MUNICIPAL ORDER NO. 2005 - 102

MUNICIPAL ORDER AUTHORIZING THE SUBMISSION OF A
GRANT APPLICATION TO THE GOVERNOR'S HIGHWAY
SAFETY PROGRAM IN THE AMOUNT OF \$15,000

Summary of Municipal Order No. 2005 - 102 was read by the City Clerk. Police Office Associate Heather Plowman reviewed the grant and proposed use of funds. 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: Strow, Alcott, Nash, Simpson and Walker
 Voting Nay: None

Municipal Order No. 2005 - 102 was approved by unanimous vote. Robert Alan requested to address the Board and made some suggestions for improving highway traffic safety particularly with the on/off ramps of I-65. Since that is a state highway, Mayor Walker recommended that Mr. Alan address this issue directly with the state legislature.

MUNICIPAL ORDER NO. 2005 - 103

MUNICIPAL ORDER AUTHORIZING THE SUBMISSION OF AN
APPLICATION TO THE FISCAL YEAR 2005 COMMERCIAL
EQUIPMENT DIRECT ASSISTANCE PROGRAM (CEDAP)
THROUGH THE U.S. DEPARTMENT OF HOMELAND SECURITY

Summary of Municipal Order No. 2005 - 103 was read by the City Clerk. Plowman stated that this was a new program which provides funds for equipment purchases. 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: Strow, Alcott, Nash, Simpson and Walker

Voting Nay: None
Municipal Order No. 2005 - 103 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2005 - 104

MUNICIPAL ORDER AUTHORIZING AND ACCEPTING BID #2005-34 FOR FOURTEENTH AVENUE REALIGNMENT PROFESSIONAL SERVICES FROM DDS ENGINEERING, PLLC OF BOWLING GREEN, KENTUCKY IN THE AMOUNT OF \$38,940

Summary of Municipal Order No. 2005 - 104 was read by the City Clerk. Assistant City Engineer Melissa Cansler reviewed the realignment project and recommended bid award. She also responded to questions regarding an anticipated timeline for completion, property acquisition, the various phases to the project and returns to adjacent property owners any unused right-of-way. Motion was made by Strow 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: Strow, Alcott, Nash, Simpson and Walker
Voting Nay: None

Municipal Order No. 2005 - 104 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2005 - 105

MUNICIPAL ORDER APPROVING AND AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT WITH HILL'S PET NUTRITION, INC. RELATED TO REALIGNMENT OF TURNER COURT

Summary of Municipal Order No. 2005 - 105 was read by the City Clerk. City Attorney Gene Harmon reviewed the agreement with Hill's which provides for the donation of land for the realignment. 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: Strow, Alcott, Nash, Simpson and Walker
Voting Nay: None

Municipal Order No. 2005 - 105 was approved by unanimous vote.

ADJOURNMENT

Mayor Walker announced that a special meeting was scheduled for May 6, 2006 and that May 17, 2005 was the next regular scheduled meeting of the Board. There being no further business to come before the Board of Commissioners, at approximately 9:15 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 Metropolitan Planning Organization and Long Range Transportation Plan;

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(2) presentation by Community Action of Southern Kentucky on mass transit in Bowling Green--past, present and future; and (3) Transpark infrastructure maintenance.

ADOPTED: _____

APPROVED: _____
Mayor, Chairman of Board of Commissioners

ATTEST: _____
City Clerk

Minutes prepared by City Clerk Katie Schaller