

**MINUTES of REGULAR MEETING
of the BOARD of COMMISSIONERS
of the CITY of BOWLING GREEN, KENTUCKY
held FEBRUARY 15, 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 February 15, 2005. Mayor Elaine N. Walker called the meeting to order. Dr. Hopper of First Baptist Church gave an invocation 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 Slim Nash, Commissioner Delane Simpson and Mayor Elaine N. Walker. Absent: none. There was a full quorum of the Board of Commissioners.

S.T.A.R. AWARDS

Citizen Information and Assistance Director Michael 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 three nominees were Captain Jerry Bridgeman, Fire Department, Administrative Manager Anna Maroney, Parks and Recreation Department and Cemetery Division Maintenance Supervisor Bill Sanders, Parks and Recreation Department. 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 fifth *Linda Taylor Leigh S.T.A.R. Award* to Bill Sanders.

PUBLIC COMMENTS

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

CITY MANAGER

City Manager Charles W. Coates requested a closed session for the purpose of discussion on the future acquisition or sale of real property by the City as publicity would likely affect the value of the specific piece of property to be acquired for public use or sold by the City and for the purpose of discussion on proposed or pending litigation against or on behalf of the City. He also noted that action may follow the discussion. Motion was made by Alcott and seconded by Simpson to convene in closed session following the regular meeting pursuant to KRS 61.810 (b) and (c). Walker called for roll call vote.

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

Motion to convene in closed session pursuant to KRS 61.810 (b) and (c) was approved by unanimous vote.

Coates also requested a special work session of the Board in order to set budget priorities for Fiscal Year 2006. The Board agreed to meet at 4:00 p.m. on Wednesday, February 23, 2005.

APPROVAL OF MINUTES

Minutes of Regular Meeting February 1, 2005 and Special Meeting February 7, 2005

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

Motion to approve the minutes of the regular meeting of February 1, 2005 and special meeting of February 7, 2005 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2005 - 34

MUNICIPAL ORDER APPROVING SCHEDULE OF FAIR MARKET VALUE FOR PROPERTY TO BE ACQUIRED IN THE ST. JOSEPH/WEST MAIN AREA AND AUTHORIZING THE ACQUISITION OF THE PROPERTY AT THE ESTABLISHED VALUE

Summary of Municipal Order No. 2005 - 34 was read by City Clerk Katie Schaller. Housing and Community Development Director Alice Burks stated that the acquisition of these properties was discussed at the February 1, 2005 Work Session and would be used for an 18-unit residential development. Burks responded to questions regarding the use of federal entitlement funds for other projects, the potential to use eminent domain to acquire properties, and awareness by property owners of the City's interest to purchase properties.

B.C. Wimpee, who owns property at 903 Payne Street and 303 Main Avenue, expressed concern for loss in rental revenues with the announcement of this project and receipt of fair compensation for his property.

Coates urged the completion of this revitalization project which began in the early 1990's. 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, Simpson and Walker
 Voting Nay: Strow and Nash

Municipal Order No. 2005 - 34 was approved by majority vote.

MUNICIPAL ORDER NO. 2005 - 35

MUNICIPAL ORDER APPROVING SCHEDULE OF FAIR MARKET VALUE FOR PROPERTY TO BE ACQUIRED FOR THE CIRCUS SQUARE PROJECT AND AUTHORIZING THE ACQUISITION OF THE PROPERTY AT THE ESTABLISHED VALUE

Summary of Municipal Order No. 2005 - 35 was read by the City Clerk. Burks stated that this project was also discussed at the February 1, 2005 Work Session, with funds to be provided from a Community Development Block Grant (CDBG) passed through the State.

Following discussion and clarification of which properties would actually be needed for development of Circus Square, Comm. Strow moved to amend Municipal Order No. 2005 - 35 to separate properties at 600 State Street, 636 and 637 State Street and 710 College Street from this municipal order so that they could be voted on separately from the Circus Square Park project specific properties. Burks pointed out that in order to amend the selected properties, the grant would have to be reevaluated by the State and the City could risk losing the grant funding to another community. Comm. Strow's motion was seconded by Alcott, and a roll call vote was taken.

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

Motion to amend Municipal Order No. 2005 - 35 was defeated by majority vote.

Downtown Redevelopment Authority Director Cheryl Blaine reviewed the grant process lead by DRA, the selected properties and the need to keep the grant funding together. 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 and Walker
 Voting Nay: Strow

Municipal Order No. 2005 - 35 was approved by majority vote.

ORDINANCE NO. BG2005 - 5

(First Reading)

ORDINANCE CLOSING A PUBLIC RIGHT-OF-WAY

**ORDINANCE APPROVING THE CLOSING OF A 1.327 ACRE
PORTION OF A RIGHT-OF-WAY OF BRENNER STREET**

Title and summary of Ordinance No. BG2005 - 5 was read by the City Clerk. Planning Commission Director Andy Gillies reviewed the recommended closing. Motion was made by Strow and seconded by Nash 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 - 5 was approved by unanimous vote.

ORDINANCE NO. BG2005 - 6

(First Reading)

ORDINANCE REZONING REAL ESTATE

**ORDINANCE REZONING A TRACT OF LAND CONTAINING 7.75
ACRES FROM RM-4 (MULTI-FAMILY RESIDENTIAL) TO PUD
(PLANNED UNIT DEVELOPMENT) LOCATED ON PASCOE
BOULEVARD, WITH BINDING ELEMENTS, PRESENTLY OWNED
BY H & D RENTALS**

Title and summary of Ordinance No. BG2005 - 6 was read by the City Clerk. Gillies reviewed the recommended rezoning and the associated binding elements for a 24-lot subdivision.

Motion was made by Simpson and seconded by Strow 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 - 6 was approved by unanimous vote.

ORDINANCE NO. BG2005 - 7

(First Reading)

ORDINANCE REZONING REAL ESTATE

ORDINANCE REZONING A TRACT OF LAND CONTAINING 3.8064 ACRES FROM AG (AGRICULTURE) TO OP-C (OFFICE PROFESSIONAL-COMMERCIAL) LOCATED ON CAVE MILL ROAD, WITH BINDING ELEMENTS, PRESENTLY OWNED BY H & D RENTALS AND MICHAEL MILLER

Title and summary of Ordinance No. BG2005 - 7 was read by the City Clerk. Gillies reviewed the recommended rezoning and associated binding elements. Motion was made by Nash 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 - 7 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2005 - 36

MUNICIPAL ORDER APPROVING AND AUTHORIZING REIMBURSEMENT OF OUT-OF-TOWN TRAVEL EXPENSES TO LEXINGTON, KENTUCKY FOR CITY COMMISSIONER MARK D. ALCOTT

Summary of Municipal Order No. 2005 - 36 was read by the City Clerk. Motion was made by Nash 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: Strow, Nash, Simpson and Walker
 Voting Nay: None
 Voting Abstain: Alcott

Municipal Order No. 2005 - 36 was approved by majority vote.

MUNICIPAL ORDER NO. 2005 - 37

MUNICIPAL ORDER APPROVING THE REAPPOINTMENT OF JIM VANCE TO THE BOWLING GREEN-WARREN COUNTY REGIONAL AIRPORT BOARD

Summary of Municipal Order No. 2005 - 37 was read by the City Clerk. Mayor Walker recommended the reappointment since the initial appointment was to fill a partial term. Comm. Nash

inquired how interested parties are sought out, and stated it is important to involve as many people as possible on the various boards. 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 - 37 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2005 - 38

**MUNICIPAL ORDER APPROVING CONSTRUCTION AND
ACCEPTING MAINTENANCE OF VARIOUS STREETS IN
CROSSRIDGE SUBDIVISION, SECTION IV**

Summary of Municipal Order No. 2005 - 38 was read by the City Clerk. Assistant City Engineer Melissa Cansler reviewed the streets to be accepted. Public Works Director Emmett Wood noted that with the acceptance of streets, there is no immediate effect on budget or personnel. 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: Strow, Alcott, Nash, Simpson and Walker
 Voting Nay: None

Municipal Order No. 2005 - 38 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2005 - 39

**MUNICIPAL ORDER APPROVING THE REAPPOINTMENTS OF
EDWIN D. PHELPS AND BETTY SANSON TO THE BOWLING
GREEN-WARREN COUNTY MILITARY LIAISON BOARD**

Summary of Municipal Order No. 2005 - 39 was read by the City Clerk. Mayor Walker recommended the reappointments and explained the board's functions. 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 - 39 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2005 - 40

**MUNICIPAL ORDER APPROVING A CONTRACT THROUGH
NONCOMPETITIVE NEGOTIATIONS WITH THE KENTUCKY
TRANSPORTATION CABINET FOR INSTALLATION OF A
TRAFFIC SIGNAL ON FAIRVIEW AVENUE AT KEREIAKES
PARK IN THE AMOUNT OF \$30,692.76**

Summary of Municipal Order No. 2005 - 40 was read by the City Clerk. Cansler reviewed the project and the involvement of the Transportation Cabinet. She responded to questions regarding the

inclusion of crosswalks and signals, the sidewalks being handicapped accessible and the decorative traffic signal versus the standard traffic signal. 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 - 40 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2005 - 41

MUNICIPAL ORDER AUTHORIZING AND ACCEPTING BID #2005-16 FOR DESIGN/BUILD SERVICES FOR PHASE I OF THE RIVER WALK AT MITCH MCCONNELL PARK FROM IRONWOOD CONSTRUCTION OF BOWLING GREEN, KENTUCKY IN THE AMOUNT OF \$287,000

Summary of Municipal Order No. 2005 - 41 was read by the City Clerk. Public Works Project Manager Dan Chaney recommended the proposal for completion of the park. Chaney responded to questions raised earlier at the work session when Jeff Stein addressed the Board of Commissioners to express his concern for spending money on parts of the park that have already been developed. In addition, Chaney reviewed some of the changes to the earlier development which will be part of a redesign offered by David Garvin. Comm. Alcott stated that Mr. Garvin has agreed to be responsible for any expenses which exceed \$287,000. 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 - 41 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2005 - 42

MUNICIPAL ORDER AUTHORIZING A TAX-EXEMPT LEASE PURCHASE IN THE AMOUNT OF \$1,321,482 WITH HUNTINGTON CAPITAL CORPORATION IN ORDER TO PROVIDE FINANCING FOR THE REIMBURSEMENT OF FUNDS USED TO PURCHASE VEHICLES, EQUIPMENT AND COPIERS IN FISCAL YEAR 2005

Summary of Municipal Order No. 2005 - 42 was read by the City Clerk. Coates indicated this was a standard financing process with a fixed interest rate. He responded that the purchases have already taken place and that the City will auction the older equipment that will no longer be needed. 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 - 42 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2005 - 43

MUNICIPAL ORDER AUTHORIZING AND ACCEPTING BID #2005-29 FOR CHEMICALS AND FERTILIZERS FOR THE PARKS AND RECREATION DEPARTMENT, GOLF DIVISION, FROM VARIOUS VENDORS IN THE AMOUNT OF \$94,768.55

Summary of Municipal Order No. 2005 - 43 was read by the City Clerk. Golf Course Maintenance Superintendent Tony Whitmer reviewed the bids requested for approval which will lock in pricing for the entire year. Whitmer responded to questions regarding the types of chemicals used, the amount used in the previous year and when the chemicals are actually purchased. 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 - 43 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2005 - 44

MUNICIPAL ORDER EXPRESSING THE CITY OF BOWLING GREEN'S INTENT TO COOPERATE WITH PLAY BALL! '05 AND EXPRESSING ITS PRELIMINARY APPROVAL OF A PROPOSED REDEVELOPMENT PROJECT IN DOWNTOWN BOWLING GREEN

Summary of Municipal Order No. 2005 - 44 was read by the City Clerk. Play Ball! 05 Chairman Rick Kelley requested the preliminary approval, which is contingent upon many factors. There was discussion regarding legislation proposed to establish the incremental taxing district.

Historic Preservation Director Robin Zeigler provided an overview of the area and existing historic structures which are eligible for historic designation. She urged the Board to consider the overall character of the neighborhood and to keep the development in line with that character.

Downtown Redevelopment Authority Director Cheryl Blaine stated that they are looking into the history of "automobile alley" and that the Kentucky Heritage Council is scheduled to visit the project area soon.

Jim Duffer of 516 Chestnut Street, Ernie Raymer of 320 Leslie Avenue, Danny Howell who resides in the County but works on Adams Street and Dan Rudloff of 1245 State Street all expressed concern regarding this development project, particularly related to the ballpark plan. Mr. Duffer stated he was against the use of the people's money to pay for the ballpark development. Mr. Raymer suggested that the development should be more diversified as originally laid out in the Master Plan. Mr. Howell questioned the risk to the developer if the City was providing funding, and stated that the development should be a private venture. Mr. Rudloff also stated the development should be privately funded and suggested the use of Western Kentucky University's baseball facility as an alternative.

Comm. Strow cited the pros and cons that relate to the development plan, including the advantage of a total redevelopment package and an accelerated downtown redevelopment, as well as

emphasizing his disagreement with any use of eminent domain to acquire the necessary properties and the City providing funding for the project. He stated that there are other priorities which should be considered first and he would not support this project. He also disagreed, in response to a previous statement that Bowling Green lacked an identity, that this project would enhance the City's identity.

Comm. Nash stated that, in concept, he thought the plan was well diversified and that it could be developed without raising taxes. He also stated that it removes uncertainty from property owners as to whether or not and when their property might be purchased. Comm. Nash agreed that this project would expedite redevelopment downtown and believes the City would see a return on investment. He also pointed out that this is an initial step to begin negotiations and not a final action to approve the development. He stated that he is charged with making a decision as he believes will be in the best interests of the City and that certainly not every citizen will be satisfied.

Comm. Simpson stated that downtown redevelopment is important; however, after having received several calls from citizens who overwhelmingly expressed their opposition to this project, he stated he would not support it.

Comm. Alcott stated that of his contact from citizens, it was fairly evenly split on support for the project. He commented that this project would not make or break downtown redevelopment and that Circus Square was the only reality to happen. Comm. Alcott also stated that he did not want the City to cut itself short with the ability to work with the State on establishing an incremental taxing district. He believes that redevelopment should be done in a cohesive fashion and he urged support for this preliminary plan.

Mayor Walker stated that the decision made tonight (approval of this municipal order) would not be a final decision on the project. She also stated that this is not a baseball plan, but rather a redevelopment plan with a ballpark. Mayor Walker agreed that the ability to see results happen faster versus waiting 20 years for development to occur was a benefit and that the health of the economy in that area will grow. She commented that this was a tough decision as it concerns the future of the community.

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

ROLL CALL: Voting Yea: Alcott, Nash and Walker

 Voting Nay: Strow and Simpson

Municipal Order No. 2005 - 44 was approved by majority vote.

MUNICIPAL ORDER NO. 2005 - 45

MUNICIPAL ORDER APPROVING A SECOND AMENDMENT TO THE GRANT AGREEMENT WITH THE COMMONWEALTH OF KENTUCKY DEPARTMENT FOR LIBRARIES AND ARCHIVES RELATED TO THE CITY OF BOWLING GREEN LOCAL RECORDS PROJECT, AND AUTHORIZING THE MAYOR TO EXECUTE THIS AMENDMENT

Summary of Municipal Order No. 2005 - 45 was read by the City Clerk. Schaller reviewed the grant for microfilming historic records from the late 1800's currently located in the Libraries and Archives facility in Frankfort. In response to a question from Comm. Alcott, Schaller explained why scanning or imaging of these records is not recommended. 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 - 45 was approved by unanimous vote.

CLOSED SESSION

The Board of Commissioners convened in closed session pursuant to KRS 61.810 (b) and (c) as previously approved.

OPEN SESSION

Once all discussion concluded in closed session, the Board reconvened in open session for consideration of action. Motion was made by Strow and seconded by Alcott to add Municipal Order No. 2005 - 46 to the agenda. With no discussion, a roll call vote was taken.

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

Motion to add Municipal Order No. 2005 - 46 to the agenda was approved by unanimous vote.

MUNICIPAL ORDER NO. 2005 - 46

MUNICIPAL ORDER APPROVING AND AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT WITH AUBURNDALE GARY LIMITED PARTNERSHIP I RELATED TO THE EXTENSION OF WEST PARK DRIVE AND THE REALIGNMENT OF HOUSTON COURT, AND AUTHORIZING THE HOUSING AND COMMUNITY DEVELOPMENT DIRECTOR TO ACQUIRE PROPERTIES NECESSARY FOR THIS PROJECT

Summary of Municipal Order No. 2005 - 46 was read by the City Clerk. 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 - 46 was approved by unanimous vote.

ADJOURNMENT

Mayor Walker announced that March 1, 2005 was the next scheduled meeting of the Board. There being no further business to come before the Board of Commissioners, at approximately 10:40 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) presentation by Gary Dillard of WRECC regarding the construction of new transmission lines in conjunction with the utility changing wholesale suppliers from TVA to East Kentucky Power Cooperative; (2) an update of the Code Enforcement Program; and (3) the Street Resurfacing Program. Due to time constraints, two additional subjects -- the Southwest Corridor Project (also known as the South West Parkway) and the Turner Court Realignment Project -- will be discussed at the next regular work session.

ADOPTED: _____

APPROVED: _____
Mayor, Chairman of Board of Commissioners

ATTEST: _____
City Clerk

Minutes prepared by City Clerk Katie Schaller