

**MINUTES of REGULAR MEETING
of the BOARD of COMMISSIONERS
of the CITY of BOWLING GREEN, KENTUCKY
held April 19, 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 April 19, 2005. Mayor Elaine N. Walker called the meeting to order. An invocation was given by Jonathan Sachs of Beth Sar Shalom Congregation, and all present recited the Pledge of Allegiance. City Clerk Katie Schaller called the roll, and the following members were present: Commissioner Slim Nash, Commissioner Delane Simpson, Commissioner Brian K. Strow, Commissioner Mark D. Alcott and Mayor Elaine N. Walker. Absent: none. There was a full quorum of the Board of Commissioners.

PUBLIC COMMENTS

Attorney David Lanphear, representing Jim Bullington, stated that the Board of Commissioners approved the wrong agreement by Municipal Order No. 2005-58 on March 15, 2005. He noted that the agreement submitted by him on behalf of Mr. Bullington was not the agreement which was attached to the Municipal Order and ultimately approved. Per Mayor Walker's request, Mr. Lanphear described the differences between the two agreements, including compensation and insulation from liability. City Attorney Gene Harmon responded to questions regarding the differences between the two agreements and insurance coverage for volunteers. Mr. Bullington requested compensation for his services and approval of his version of the agreement.

Following further discussion and clarification of the language to be deleted from Mr. Bullington's version of the agreement regarding an hourly compensation rate, Comm. Nash made the motion to substitute Mr. Bullington's version of the agreement, as amended, with the original version approved by Municipal Order No. 2005-58. This motion was seconded by Alcott, and Mayor Walker called for a roll call vote.

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

Motion to substitute agreement with Municipal Order No. 2005-58 was approved by unanimous vote.

CITY MANAGER

City Manager Charles W. Coates had no comments at this time.

PRESENTATION

Public Works Director Emmett Wood reported the results from the Shawnee Neighborhood traffic calming temporary closure and responded to questions regarding pre- and post-closure traffic data and the selection of traffic count locations. Mr. Wood stated that the temporary closures achieved modest benefits and that the data did not support the closure of either Shawnee Way at the entrance to Lost River Estates or Navaho Drive at the entrance to Shawnee.

Tom Baldwin of 313 Lost River Lane, Robert Falker of 771 Patton Way #1, Martha Crow of 771 Patton Way #21 and Virginia Viviano of 136 Shanks Mill Lane all expressed concern with closing the streets, citing an increase in traffic on other streets with the closures, the ability for emergency services to have more than a single access point to neighborhood and the difficulty in accessing other main thoroughfares with only one option to enter or exit the neighborhood. Following a review of the next step in the process, Mayor Walker stated that the temporary closures would remain in place until a final decision to proceed is made.

BOARD OF COMMISSIONERS COMMENTS

Comm. Nash commented about the cemetery animal ordinance (BG2005-8) that was previously tabled at the March 15, 2005 meeting. He indicated that this issue would be addressed at the May 3, 2005 meeting of the Board.

PRESENTATION

Deputy Police Chief and Workforce Diversity Committee Chairman Jerry Wells presented a report of the work completed to date by the Workforce Diversity Committee, including a review of budgetary considerations. Comm. Nash suggested including part-time employees in the recommended mentoring program. Comm. Simpson stated that this represented a step in the direction of meeting the Board's strategic goals.

APPROVAL OF MINUTES

Minutes of Special Meeting April 4, 2005 and Regular Meeting April 5, 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 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: Nash, Simpson, Strow, Alcott and Walker
 Voting Nay: None

Motion to approve the minutes of the special meeting of April 4, 2005 and regular meeting of April 5, 2005 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2005 - 84

MUNICIPAL ORDER APPOINTING MAYOR ELAINE N. WALKER, ACTING CHIEF FINANCIAL OFFICER JEFF MEISEL AND CITY CLERK KATIE E. SCHALLER AS DIRECTORS TO THE BOARD OF THE CITY OF BOWLING GREEN MUNICIPAL PROJECTS CORPORATION AND RESCINDING MUNICIPAL ORDER NO. 2005-48

Summary of Municipal Order No. 2005 - 84 was read by City Clerk Katie Schaller. Coates stated that this item and the next item simply replace Davis Cooper with Jeff Merisel. 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: Nash, Simpson, Strow, Alcott and Walker
 Voting Nay: None
Municipal Order No. 2005 - 84 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2005 - 85

MUNICIPAL ORDER APPOINTING MAYOR ELAINE N. WALKER, ACTING CHIEF FINANCIAL OFFICER JEFF MEISEL AND CITY CLERK KATIE E. SCHALLER AS DIRECTORS TO THE BOARD OF THE BOWLING GREEN PUBLIC PROPERTIES CORPORATION AND RESCINDING MUNICIPAL ORDER NO. 2005-49

Summary of Municipal Order No. 2005 - 85 was read by the City Clerk. 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: Nash, Simpson, Strow, Alcott and Walker
 Voting Nay: None
Municipal Order No. 2005 - 85 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2005 - 86

MUNICIPAL ORDER APPROVING AND AUTHORIZING THE MAYOR TO EXECUTE A SIXTH AMENDMENT TO GRANT AGREEMENT BETWEEN THE CITY OF BOWLING GREEN, BOWLING GREEN ENTERPRISE COMMUNITY, INC. AND THE UNITED STATES DEPARTMENT OF AGRICULTURE, RURAL DEVELOPMENT, OFFICE OF COMMUNITY DEVELOPMENT

Summary of Municipal Order No. 2005 - 86 was read by the City Clerk. Grants Manager Lisa Ryan stated this was the seventh year of a ten-year grant, with \$190,133 being received. 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: Nash, Simpson, Strow, Alcott and Walker
 Voting Nay: None
Municipal Order No. 2005 - 86 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2005 - 77

MUNICIPAL ORDER APPROVING THE APPOINTMENT OF LARRY N. BAILEY TO THE DEPOT DEVELOPMENT AUTHORITY

Summary of Municipal Order No. 2005 - 77 was read by the City Clerk. Mayor Walker recommended this appointment. 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: Nash, Simpson, Strow, Alcott and Walker
 Voting Nay: None
Municipal Order No. 2005 - 77 was approved by unanimous vote.

ORDINANCE NO. BG2005 - 11
(First 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 the City Clerk. Planning Commission Director Andy Gillies reviewed the 30-lot development and associated binding elements. He also responded to questions regarding inclusion of sidewalks and the potential for traffic impact with interconnectivity to existing neighborhoods. Comm. Nash stated that he disagreed with using neighborhood roads to get traffic off the main thoroughfares. 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: Nash, Simpson, Strow, Alcott and Walker
 Voting Nay: None
First reading of Ordinance No. BG2005 - 11 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2005 - 87

MUNICIPAL ORDER APPROVING A STATEWIDE EMERGENCY
MANAGEMENT MUTUAL AID AND ASSISTANCE AGREEMENT
WITH THE COMMONWEALTH OF KENTUCKY

Summary of Municipal Order No. 2005 - 87 was read by the City Clerk. Warren County Emergency Management Director Ronnie Pearson stated that approval of this agreement was requested as a formality due to a change in Directors. Coates stated that the agreement was reviewed by Police, Fire and Public Works and there are no concerns at this time. 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: Nash, Simpson, Strow, Alcott and Walker
 Voting Nay: None
Municipal Order No. 2005 - 87 was approved by unanimous vote.

ORDINANCE NO. BG2005 - 12
(First Reading)
ORDINANCE ANNEXING PROPERTY BY CONSENT

ORDINANCE ANNEXING 90.889 ACRES OF PROPERTY LOCATED ON LOVERS LANE, WITH PROPERTY PRESENTLY OWNED BY LIVING HOPE BAPTIST CHURCH (MISSIONARY), INC., AND SAID TERRITORY BEING CONTIGUOUS TO EXISTING CITY LIMITS

Title and summary of Ordinance No. BG2005 - 12 was read by the City Clerk. Coates stated this was a voluntary annexation. Motion was made by Alcott 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: Nash, Simpson, Strow, Alcott and Walker
 Voting Nay: None

First reading of Ordinance No. BG2005 - 12 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2005 - 88

MUNICIPAL ORDER APPROVING CONSTRUCTION AND ACCEPTING MAINTENANCE OF VARIOUS STREETS IN THE CROSSINGS AT CAVE MILL SUBDIVISION, SECTION TWO

Summary of Municipal Order No. 2005 - 88 was read by the City Clerk. Public Works Director Emmett Wood stated this was a housekeeping item to accept normal street maintenance. 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: Nash, Simpson, Strow, Alcott and Walker
 Voting Nay: None

Municipal Order No. 2005 - 88 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2005 - 89

MUNICIPAL ORDER APPROVING THE PROBATIONARY APPOINTMENT OF JEREMY T. BOWLING TO THE POSITION OF LANDSCAPE GARDENER IN THE PARKS AND RECREATION DEPARTMENT, LANDSCAPE DIVISION

Summary of Municipal Order No. 2005 - 89 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 Walker asked for additional discussion, and with none, a roll call vote was taken.

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

Municipal Order No. 2005 - 89 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2005 - 90

MUNICIPAL ORDER APPROVING THE PROBATIONARY APPOINTMENT OF MICHAEL S. REXROAT TO THE POSITION OF POLICE OFFICER IN THE POLICE DEPARTMENT

Summary of Municipal Order No. 2005 - 90 was read by the City Clerk. Tolbert stated that the Police Department consistently recruits certified officers. Included with a review of the applicant's qualifications, Tolbert noted that the City previously employed Mr. Rexroat before moving to California. 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: Nash, Simpson, Strow, Alcott and Walker
 Voting Nay: None

Municipal Order No. 2005 - 90 was approved by unanimous vote.

ORDINANCE NO. BG2005 - 13

(First Reading)

ORDINANCE AMENDING CODE OF ORDINANCES

ORDINANCE AMENDING CHAPTER 18 (OCCUPATIONAL LICENSE FEES AND TAXES) OF THE CITY OF BOWLING GREEN CODE OF ORDINANCES TO REDUCE THE OCCUPATIONAL LICENSE AND NET PROFIT LICENSE FEES

Title and summary of Ordinance No. BG2005 - 13 was read by the City Clerk. Comm. Strow stated that he campaigned on the issue to reduce the occupational license fee and net profit license fee increase passed in 2003. He presented his reasoning for the decrease and stated that there are other ways to increase revenues that do not include increasing taxes. Citizen Information and Assistance Director Michael Grubbs requested the Board table this ordinance until a more thorough review could be presented of how these revenues are projected to be spent over the next several years. He also noted that there are a number of issues still to be addressed in the Fiscal Year 2006 budget preparation, such as increased insurance claims, increased state mandated retirement contributions, salary adjustments and other requested specialty projects. Grubbs respectfully requested the opportunity to prepare the budget before addressing a decrease, which could be brought back at a later date. Acting Chief Financial Officer Jeff Meisel reported the trend in revenue growth over the past several years, which has not always been as high.

Mayor Walker recognized Tim Leigh of 113 Tahoe Court who encouraged the Board to table this issue. In response, Comm. Strow stated he would rather the ordinance be voted down versus tabling the issue. Also recognized was Joe Gerard, formerly a resident on State Street, who suggested using the money budgeted for storm drainage for other purposes.

Comm. Simpson stated he did not agree with the timing of this item, particularly due to the lack of key personnel and with a zero-based budget. Comm. Alcott agreed that the tax issue should be addressed when the Board has a better concept of its impact and he disagreed with a piecemeal approach. Comm. Nash stated he did not want to do anything that would affect police, fire and other employees. He also agreed the issue should be addressed at a later date. Mayor Walker stated her concerns with impacting staff who are in the midst of preparing the budget. Mayor Walker made the

motion, which was seconded by Alcott, to table Ordinance No. BG2005 - 13. With no further discussion, a roll call vote was taken.

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

Motion to table Ordinance No. BG2005 - 13 was defeated by majority vote.

Motion was made by Strow and seconded by Alcott for first reading of said Ordinance. With no additional discussion, a roll call vote was taken.

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

First reading of Ordinance No. BG2005 - 13 was defeated by majority vote.

MUNICIPAL ORDER NO. 2005 - 91

MUNICIPAL ORDER AUTHORIZING THE FILING OF A GRANT APPLICATION WITH THE KENTUCKY TRANSPORTATION CABINET FOR FISCAL YEAR 2006 FEDERAL TRANSPORTATION ASSISTANCE UNDER THE SECTION 5307 PROGRAM THROUGH THE FEDERAL TRANSIT ADMINISTRATION IN THE AMOUNT OF \$532,268

Summary of Municipal Order No. 2005 - 91 was read by the City Clerk. Grants Manager Lisa Ryan reviewed the history and current contract with Community Action of Southern Kentucky who operates the transit services. She also reviewed the grant application for which the City is eligible for funding as an Urbanized Area. Ryan responded to questions regarding the previous year's funding amount, the required local match and the application deadline. 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: Nash, Simpson, Strow, Alcott and Walker
 Voting Nay: None

Municipal Order No. 2005 - 91 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2005 - 92

MUNICIPAL ORDER AUTHORIZING SUBMISSION OF AN APPLICATION TO THE KENTUCKY JUSTICE CABINET IN THE AMOUNT OF \$22,500 FOR OVERTIME TRAFFIC ALCOHOL PATROL (TAP) THROUGH THE LAW ENFORCEMENT SERVICE FEE PROGRAM

Summary of Municipal Order No. 2005 - 92 was read by the City Clerk. Police Office Associate Heather Plowman reviewed the grant and proposed use of funds, which will require a 25% match for equipment purchases. 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: Nash, Simpson, Strow, Alcott and Walker
 Voting Nay: None

Municipal Order No. 2005 - 92 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2005 - 93

MUNICIPAL ORDER APPROVING AND AUTHORIZING THE MAYOR TO EXECUTE A MOTORCYCLE LEASE AGREEMENT WITH HARLEY-DAVIDSON BOWLING GREEN, INC. FOR LEASE OF FOUR STANDARD POLICE PACKAGE HARLEY-DAVIDSON MOTORCYCLES FOR THE SUM OF ONE DOLLAR (\$1.00)

Summary of Municipal Order No. 2005 - 93 was read by the City Clerk. Police Chief Bill Waltrip stated this was the second year to lease four motorcycles. He also noted that this agreement includes language for successive terms, until such time as one of the parties chooses to terminate the agreement. 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: Nash, Simpson, Strow, Alcott and Walker
 Voting Nay: None

Municipal Order No. 2005 - 93 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2005 - 94

MUNICIPAL ORDER APPROVING AND AUTHORIZING THE MAYOR TO EXECUTE A SEVERANCE AGREEMENT WITH CITY MANAGER CHARLES W. COATES

Summary of Municipal Order No. 2005 - 94 was read by the City Clerk. Coates stated that his existing contract from 1977 provided for one month's severance and this agreement included two additional months. Prior to the meeting a revised agreement which included standard language proposed by Comm. Alcott was distributed to Board members. Comm. Alcott reviewed the changes he proposed and stated it was a fair agreement. He also stated that it was not the Commission as a whole who asked for Mr. Coates to resign, but rather it was primarily his issue. Comm. Nash stated that the City is better off from Mr. Coates' service.

In response to an inquiry from Comm. Nash regarding setting a precedent by approving a severance agreement, Wayne Priest, the attorney representing Coates, commented about steps that could be taken if the Board chose not to approve the agreement. He also noted that severance packages typically include one week's pay for every year of service. Coates stated he would not contest being asked to leave. 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: Simpson, Strow, Alcott and Walker
 Voting Nay: Nash

Municipal Order No. 2005 - 94 was approved by majority vote.

MUNICIPAL ORDER NO. 2005 - 95

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

Mayor Walker stated that due to the late hour, this item was withdrawn until the next meeting.

MUNICIPAL ORDER NO. 2005 - 96

MUNICIPAL ORDER AUTHORIZING A THIRD CHANGE ORDER TO THE CONTRACTS WITH VARIOUS CONTRACTORS FOR THE CONSTRUCTION OF THE POLICE HEADQUARTERS EXPANSION PROJECT IN THE AMOUNT OF \$53,032.37

Summary of Municipal Order No. 2005 - 96 was read by the City Clerk. Police Chief Bill Waltrip reviewed the expansion project and the need to complete the finishing touches. Public Works Director Emmett Wood stated the project is still well under budget. 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: Nash, Simpson, Strow, Alcott and Walker
 Voting Nay: None

Municipal Order No. 2005 - 96 was approved by unanimous vote.

With the regular agenda complete, Comm. Strow requested that two late-filed items be added to the agenda that he sponsored regarding the insurance program. Upon clarification of the process to add items to the agenda, motion was made by Strow and seconded by Nash to add both items to the agenda for consideration. With no additional discussion, a roll call vote was taken.

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

Motion to add two additional items to the agenda for consideration was defeated by majority vote.

ADJOURNMENT

Mayor Walker announced that May 3, 2005 was the next scheduled meeting of the Board. There being no further business to come before the Board of Commissioners, at approximately 10:15 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) continuation of budget preparation to review draft departmental goals, objectives and related performance measures for Public Works, Parks and Recreation, and Housing and Community Development departments; 2) update to the Employee Healthcare Fund and Insurance Program; and 3) presentation by Kentucky League of Cities regarding the process in finding a City Manager.

PUBLIC HEARING

Also prior to the regular meeting and with no action taken, there was a public hearing at 6:00 p.m. in the Commission Chamber of City Hall for the purpose of soliciting public comments regarding the submission of the City of Bowling Green's 2005-2006 Action Plan for the use of Community Development Block Grant (CDBG) funds received as an entitlement community.

ADOPTED: _____

APPROVED: _____
Mayor, Chairman of Board of Commissioners

ATTEST: _____
City Clerk

Minutes prepared by City Clerk Katie Schaller