

**MINUTES of REGULAR MEETING
of the BOARD of COMMISSIONERS
of the CITY of BOWLING GREEN, KENTUCKY
held OCTOBER 5, 2004**

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 October 5, 2004. Mayor Sandy Jones called the meeting to order. An invocation was given by Police Chaplain Mike Holian, and all present recited the Pledge of Allegiance. City Clerk Katie Schaller called the roll, and the following members were present: Commissioner Jim Bullington, Commissioner Joe W. Denning, Commissioner Dan Hall, Commissioner Alan Palmer and Mayor Sandy Jones. Absent: none. There was a full quorum of the Board of Commissioners.

COMMENDATION

Mayor Jones commended Police Officer Mike Delaney and all the law enforcement agencies involved with resolving the recent stand off on Louisville Road.

PUBLIC COMMENTS

LifeSkills, Inc. Board of Directors Chair Debbie Biggers addressed the Board of Commissioners to clarify several misconceptions regarding LifeSkills and those acting upon its behalf. She further addressed its decision to relocate, the derogatory comments by a Downtown Redevelopment Authority (DRA) member in June and LifeSkills' willingness to work with all involved parties.

LifeSkills, Inc. Attorney David Broderick stated that the actions by the Board of Commissioners on June 29, 2004 regarding approval of an agreement between the City and LifeSkills for property acquisition acknowledged the validity of the lease agreement from 1974 for property at 707 East Main. Mr. Broderick provided history of the building constructed at 707 East Main that was part of a 50-year grant and revenue sharing arrangement, and stated that more investigation was required regarding this grant. He further stated that he was open to all discussions and encouraged the Commission to also research this issue further before making any decisions.

CHANGE ORDER OF AGENDA

In order to allow visitors from the Boys and Girls Club who were in attendance to support Resolution No. 2004-2 to leave, Mayor Jones suggested the Board consider the resolution at this time. There was no objection from the Board.

RESOLUTION NO. 2004 - 2

**RESOLUTION EXPRESSING SUPPORT OF THE PHRASE "UNDER
GOD" IN THE PLEDGE OF ALLEGIANCE AND ENCOURAGING
THE UNITED STATES SENATE TO PASS H.R. 2028**

Summary of Resolution No. 2004 - 2 was read by the City Clerk. Mayor Jones explained the purpose of this Resolution. Motion was made by Palmer and seconded by Hall for consideration of said Resolution. Mayor Jones asked for additional discussion, and with none, a roll call vote was taken.

ROLL CALL: Voting Yea: Bullington, Denning, Hall, Palmer and Jones
 Voting Nay: None

Resolution No. 2004 - 2 was approved by unanimous vote. Mayor Jones stated for the record that this Resolution would be forwarded to U.S. Senators Mitch McConnell and Jim Bunning, as well as the Clerk of the U.S. Senate.

PRESENTATION

Ronnie Pearson, Bowling Green-Warren County Emergency Management Director, presented the agency's accomplishments and achievements completed during the past year and plans for the coming year, including the management of a work plan, grants, requirements for industry chemical reporting standards, coordination of Haz Mat, weapons of mass destruction, mass fatality and search and rescue missions, public warning systems and jurisdiction exercise programs. He mentioned an upcoming Regional Response Exercise to take place beginning at 8:00 a.m. on October 21, 2004 at the Hillview Heights Church.

CITY MANAGER

City Manager Charles W. Coates requested a closed session for the purpose of discussion of proposed or pending litigation against or on behalf of the City, and for the purpose of discussions which might lead to the appointment, discipline or dismissal of an individual employee without restricting that employee's right to a public hearing if requested. He stated there would be no action to follow the closed session. Motion was made by Hall and seconded by Bullington to convene in closed session following the regular meeting pursuant to KRS 61.810 (c) and (f). Jones called for roll call vote.

ROLL CALL: Voting Yea: Bullington, Denning, Hall, Palmer and Jones
 Voting Nay: None

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

Coates further requested the addition to the agenda of late-filed Municipal Order No. 2004-248 sponsored by Commissioner Bullington. Motion was made by Bullington and seconded by Denning to add Municipal Order No. 2004-248 to the agenda for consideration. With no discussion, Jones called for roll call vote.

ROLL CALL: Voting Yea: Bullington, Denning, Hall, Palmer and Jones
 Voting Nay: None

Motion to add Municipal Order No. 2004-248 to the agenda was approved by unanimous vote.

APPROVAL OF MINUTES

Minutes of Regular Meeting September 21, 2004

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

ROLL CALL: Voting Yea: Bullington, Denning, Hall, Palmer and Jones
 Voting Nay: None

Motion to approve the minutes of the regular meeting of September 21, 2004 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2004 - 244

MUNICIPAL ORDER APPROVING SCHEDULE OF FAIR MARKET VALUE FOR PROPERTY TO BE ACQUIRED IN THE HISTORIC DOWNTOWN BOWLING GREEN REDEVELOPMENT AREA AND AUTHORIZING THE ACQUISITION OF THE PROPERTY AT THE ESTABLISHED VALUE

Summary of Municipal Order No. 2004 - 244 was read by City Clerk Katie Schaller. Assistant to the HCD Director Alice Burks stated that this approved the final piece of property for the Lee Square project. Motion was made by Denning and seconded by Palmer for consideration of said Municipal Order. Mayor Jones asked for additional discussion, and with none, a roll call vote was taken.

ROLL CALL: Voting Yea: Bullington, Denning, Hall, Palmer and Jones
 Voting Nay: None

Municipal Order No. 2004 - 244 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2004 - 245

MUNICIPAL ORDER APPROVING THE APPOINTMENTS OF LAWRENCE FINLEY, ELINOR MARKLE, MARK MAY, PEGGY MCKILLIP AND EARNEST R. SMITH TO THE BOWLING GREEN COMMUNITY TREE ADVISORY BOARD, AND AUTHORIZING WAIVER OF RESIDENCY REQUIREMENT

Summary of Municipal Order No. 2004 - 245 was read by the City Clerk. Mayor Jones recommended the appointments. City Arborist Jay Dougherty reviewed the new composition of the board and the process undertaken to find interested members. Motion was made by Hall and seconded by Palmer for consideration of said Municipal Order. Mayor Jones asked for additional discussion, and with none, a roll call vote was taken.

ROLL CALL: Voting Yea: Bullington, Denning, Hall, Palmer and Jones
 Voting Nay: None

Municipal Order No. 2004 - 245 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2004 - 246

MUNICIPAL ORDER AUTHORIZING AND ACCEPTING BID #2005-04 FOR COPIERS FROM BETTER QUALITY BUSINESS SYSTEMS, INC. OF BOWLING GREEN, KENTUCKY IN THE AMOUNT OF \$176,132

Summary of Municipal Order No. 2004 - 246 was read by the City Clerk. Assistant to the City Manager Shawna Dowell reviewed the bid evaluation process and the expected savings to the City. She also stated that the old copiers will be sold at the annual City auction. Motion was made by Denning and seconded by Bullington for consideration of said Municipal Order. Mayor Jones asked for additional discussion, and with none, a roll call vote was taken.

ROLL CALL: Voting Yea: Bullington, Denning, Hall, Palmer and Jones
Voting Nay: None

Municipal Order No. 2004 - 246 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2004 - 247

MUNICIPAL ORDER APPROVING AND AUTHORIZING THE MAYOR TO EXECUTE AN EMPLOYEE WITHHOLDINGS CREDIT AGREEMENT WITH BOWLING GREEN METALFORMING L.L.C.

Summary of Municipal Order No. 2004 - 247 was read by the City Clerk. Chief Financial Officer Davis Cooper explained that this agreement was part of the Commonwealth of Kentucky's incentives package providing a partial credit over the next 20 years. In response to a question by Comm. Denning regarding how soon the number of jobs will reach 1,100, Cooper stated approximately four to five years. Motion was made by Hall and seconded by Palmer for consideration of said Municipal Order. Mayor Jones asked for additional discussion, and with none, a roll call vote was taken.

ROLL CALL: Voting Yea: Bullington, Denning, Hall, Palmer and Jones
Voting Nay: None

Municipal Order No. 2004 - 247 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2004 - 248

MUNICIPAL ORDER ESTABLISHING ANNUAL LEASE PAYMENTS TO BE PAID BY LIFESKILLS, INC. FOR LEASE OF 707 E. MAIN AT \$60,000.00

Summary of Municipal Order No. 2004 - 248 was read by the City Clerk. Comm. Bullington stated he viewed this item as a housekeeping item which was ten years late. He further stated that he believed that everyone assumed that LifeSkills owned that building and that LifeSkills is considered a holdover tenant subject to payment of fair market value rent. Comm. Bullington suggested that if LifeSkills wanted a donation from the City, it could apply for an agency appropriation like other agencies subject to those terms and conditions.

Comm. Denning suggested that further research was needed to answer questions regarding the lease agreement and 50 year grant mentioned earlier by Attorney David Broderick. Comm. Bullington stated that the City never gave LifeSkills the land and that he believed that the Commission should have established rent in 1994 when the lease came up for extension. Coates mentioned that the City allocated \$40,000 toward the construction of the building which may have been part of federal revenue sharing. Comm. Hall stated he would like to see the documents regarding the grant and made a motion to table the Municipal Order for research and clarification. Comm. Bullington stated he would vote against tabling the item. Comm. Palmer stated that as LifeSkills may be locked into its fiscal year, he did not want to take funds from the client services and suggested more research was needed.

As discussion continued, Coates stated that staff would conduct further research and work with LifeSkills in obtaining the needed information. Since Hall made the motion to table the Municipal Order for further research and clarification, Denning seconded the motion and added that staff should provide a progress report within 30 days. With no more discussion, a roll call vote was taken.

ROLL CALL: Voting Yea: Denning, Hall, Palmer and Jones
 Voting Nay: Bullington

Motion to table Municipal Order No. 2004 – 248 for further research and clarification with a progress report from City staff within the next 30 days was approved by majority vote.

NEXT MEETING

Mayor Jones announced that October 19, 2004 was the next scheduled meeting of the Board.

CLOSED SESSION

Following a brief recess to clear the Chamber, the Board of Commissioners convened in closed session pursuant to KRS 61.810 (c) and (f) as previously approved.

ADJOURNMENT

Once all discussion concluded in closed session and there being no further business to come before the Board of Commissioners, at approximately 9:05 p.m., Mayor Jones declared this meeting adjourned.

ADOPTED: _____

APPROVED: _____
Mayor, Chairman of Board of Commissioners

ATTEST: _____
City Clerk