

**MINUTES of REGULAR MEETING
of the BOARD of COMMISSIONERS
of the CITY of BOWLING GREEN, KENTUCKY
held SEPTEMBER 20, 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 September 20, 2005. Mayor Elaine N. Walker called the meeting to order. An invocation was given by Dr. Nagy Morsi, Chairman of the Islamic Center of Bowling Green, and all present recited the Pledge of Allegiance. City Clerk Katie Schaller called the roll, and the following members were present: Commissioner Mark D. Alcott, Commissioner Brian "Slim" Nash, Commissioner Delane Simpson, Commissioner Brian K. Strow and Mayor Elaine N. Walker. Absent: none. There was a full quorum of the Board of Commissioners.

PUBLIC HEARING

City Treasurer and Acting Chief Financial Officer Jeff Meisel conducted a public hearing for the purpose of obtaining comments from citizens regarding the proposed 2005 property tax rates that was recommended to be \$0.267 per \$100 assessed property value to capture a four percent (4%) growth rate on existing real estate as permitted by HB44, and which was less than the 2004 rate of \$0.269. He also stated that tax bills will be mailed out in the next few weeks and payment is due December 31, 2005. Mr. Meisel responded to questions from the Board of Commissioners regarding a newly installed payment drop box, the average number of delinquent property tax payments, the ability to provide a discount if paid early, the current penalties if not paid by the deadline, and the disbursement of funds from the Hartland Special Taxing District.

There was also discussion regarding the primary reason to raise the tax rate over the compensating rate of \$0.257. Mr. Meisel indicated that the recommended tax rate of \$0.267 was in line with the revenue projections provided in the budget preparation process. Assistant to the City Manager Shawna Dowell noted that the recommended rate would maintain a balanced budget, and if reduced to the compensating rate, a reduction of proposed expenditures may be required. Interim City Manager Ken Thompson pointed out the need to capture growth to keep up with inflation and the cost of providing services. There were no comments from the public regarding the 2005 proposed tax rates.

PUBLIC COMMENTS

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

CITY MANAGER

Interim City Manager Kenneth R. Thompson 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 discussion of proposed or pending litigation against or on behalf of the City. Motion was made by Nash and seconded by Alcott to convene in closed session following the regular meeting pursuant to KRS 61.810 (b) and (c). Walker called for roll call vote.

(Minutes-Board of Commissioners-September 20, 2005)

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

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

APPROVAL OF MINUTES

Minutes of Regular Meeting September 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 Alcott and seconded by Simpson to approve said minutes as written. Mayor Walker asked for discussion, and with none, a roll call vote was taken.

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

Motion to approve the minutes of the regular meeting of September 6, 2005 was approved by unanimous vote.

ORDINANCE NO. BG2005 - 40

(Second Reading)

ORDINANCE REZONING REAL ESTATE

ORDINANCE REZONING A TRACT OF LAND CONTAINING 35,030 SQUARE FEET FROM RS-1A (SINGLE FAMILY RESIDENTIAL) TO HB (HIGHWAY BUSINESS) LOCATED AT 4455 RUSSELLVILLE ROAD, WITH BINDING ELEMENTS, PRESENTLY OWNED BY GIRKIN, INC.

Title and summary of Ordinance No. BG2005 - 40 was read by City Clerk Katie Schaller. Motion was made by Nash and seconded by Strow for second reading of said Ordinance. Mayor Walker asked for discussion, and with none, a roll call vote was taken.

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

Ordinance No. BG2005 - 40 was adopted by unanimous vote.

ORDINANCE NO. BG2005 - 41

(Second Reading)

ORDINANCE REZONING REAL ESTATE

ORDINANCE REZONING A TRACT OF LAND CONTAINING 0.43 ACRE FROM RS-1A (SINGLE FAMILY RESIDENTIAL) TO OP-R (OFFICE PROFESSIONAL-RESIDENTIAL) LOCATED AT 1824 U.S. 31W BYPASS, WITH BINDING ELEMENTS, PRESENTLY OWNED BY DEANNA WILLIAMS LANIER

Title and summary of Ordinance No. BG2005 - 41 was read by the City Clerk. 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: Alcott, Nash, Simpson, Strow and Walker

Voting Nay: None
Ordinance No. BG2005 - 41 was adopted by unanimous vote.

ORDINANCE NO. BG2005 - 42
(Second Reading)
ORDINANCE REZONING REAL ESTATE

ORDINANCE REZONING A TRACT OF LAND CONTAINING 13,992.7 SQUARE FEET FROM RM-4 (MULTI-FAMILY RESIDENTIAL) TO OP-R (OFFICE PROFESSIONAL-RESIDENTIAL) LOCATED AT 491 DOUBLE SPRINGS ROAD, WITH BINDING ELEMENTS, PRESENTLY OWNED BY HOUSING AUTHORITY OF BOWLING GREEN, WITH HUMAN RIGHTS COMMISSION AS CONTRACT VENDEE

Title and summary of Ordinance No. BG2005 - 42 was read by the City Clerk. Motion was made by Alcott 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: Alcott, Nash, Simpson, Strow and Walker
Voting Nay: None

Ordinance No. BG2005 - 42 was adopted by unanimous vote.

MUNICIPAL ORDER NO. 2005 - 240

MUNICIPAL ORDER APPROVING THE APPOINTMENTS OF ERIC SMEDLEY AND JANET M. BUCKLEY TO THE UNIVERSITY DISTRICT REVIEW COMMITTEE

Summary of Municipal Order No. 2005 - 240 was read by the City Clerk. Mayor Walker recommended the appointments. 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, Strow and Walker
Voting Nay: None

Municipal Order No. 2005 - 240 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2005 - 241

MUNICIPAL ORDER AMENDING MUNICIPAL ORDER NO. 2005-225 APPROVING A CONTRACT THROUGH NONCOMPETITIVE NEGOTIATIONS WITH HARTLAND EQUIPMENT OF BOWLING GREEN, THROUGH JOHN DEERE COMPANY, INC. UNDER THE KENTUCKY STATE PRICING CONTRACT FOR THE PURCHASE OF A JOHN DEERE 6415 TRACTOR FOR THE PUBLIC WORKS DEPARTMENT, OPERATIONS DIVISION IN THE AMOUNT OF \$60,866.32 TO REVISE THE STATE PRICING CONTRACT AMOUNT TO \$34,708.04, AND APPROVING A CONTRACT

THROUGH NONCOMPETITIVE NEGOTIATIONS WITH HARTLAND EQUIPMENT OF BOWLING GREEN, THROUGH TIGER CORPORATION UNDER THE KENTUCKY STATE PRICING CONTRACT FOR THE PURCHASE OF A ROTARY BOOM IN THE AMOUNT OF \$26,158.28

Summary of Municipal Order No. 2005 – 241 was read by the City Clerk. Mayor Walker clarified that this amendment was needed to simply issue two separate checks for purchase of the equipment. Motion was made by Strow 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: Alcott, Nash, Simpson, Strow and Walker
 Voting Nay: None

Municipal Order No. 2005 - 241 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2005 – 242

MUNICIPAL ORDER AUTHORIZING A CONTRACT THROUGH NONCOMPETITIVE NEGOTIATIONS WITH MOTOROLA, INC. OF SCHAUMBURG, ILLINOIS FOR THE PURCHASE OF A 960 MICROWAVE RELAY LINK FOR THE 800 MHZ RADIO SYSTEM IN THE AMOUNT OF \$47,754

Summary of Municipal Order No. 2005 - 242 was read by the City Clerk. Communications Center Manager Malissa Carter explained the need to purchase new equipment to replace existing equipment which can no longer be adequately maintained. Ms. Carter responded to questions regarding the cost for installation of equipment and the ability to include other public safety organizations on the same radio system. Motion was made by Alcott 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: Alcott, Nash, Simpson, Strow and Walker
 Voting Nay: None

Municipal Order No. 2005 - 242 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2005 – 243

MUNICIPAL ORDER ACCEPTING CHANGES AND APPROVING REVISIONS TO THE ADMINISTRATIVE PLAN FOR THE CITY'S SECTION 8 HOUSING CHOICE VOUCHER PROGRAM

Summary of Municipal Order No. 2005 - 243 was read by the City Clerk. Housing Manager Vallory Schocke reviewed the recommended changes to help victims of Hurricane Katrina. She noted that the recommended language stipulated “a federally declared disaster” and did not reference any specific emergency. In response to questions from the Board, Ms. Schocke explained the purpose and function of the Housing Choice Voucher Program, including the number of local families currently on the waiting list. 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: Nash and Strow
Municipal Order No. 2005 - 243 was approved by majority vote.

ORDINANCE NO. BG2005 - 43

(First Reading)

ORDINANCE ANNEXING PROPERTY BY CONSENT

**ORDINANCE ANNEXING 135.302 ACRES OF PROPERTY
LOCATED ON PORTER PIKE, WITH PROPERTY PRESENTLY
OWNED BY SOUTHERN KENTUCKY LAND, LLC, AND SAID
TERRITORY BEING CONTIGUOUS TO EXISTING CITY LIMITS**

Title and summary of Ordinance No. BG2005 - 43 was read by the City Clerk. In reply to a request from Comm. Strow, Interim City Manager Ken Thompson stated that the City has the ability to create an annexation policy and include cost benefit analysis for future annexations. Motion was made by Alcott 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: Alcott, Nash, Simpson, Strow and Walker
 Voting Nay: None

First reading of Ordinance No. BG2005 - 43 was approved by unanimous vote.

ORDINANCE NO. BG2005 - 44

(First Reading)

ORDINANCE RELATING TO PROPERTY TAX RATES

**ORDINANCE SETTING 2005 PROPERTY TAX RATES,
FRANCHISE TAX RATES AND IMPROVEMENT ASSESSMENT
RATES, AND SETTING FORTH GUIDELINES FOR PAYMENT,
PENALTY AND INTEREST**

Title and summary of Ordinance No. BG2005 - 44 was read by the City Clerk. Following a clarification of language regarding the appropriation of property taxes which was located in the public hearing notice, motion was made by Strow and seconded by Alcott to amend Ordinance No. BG2005 - 44 to change the proposed Real Estate rate per \$100 assessed value from \$0.267 to \$0.257. Mayor Walker inquired as to the impact this reduction of revenues would have on the City's budget and operations. City Treasurer and Acting Chief Financial Officer pointed out it would cause a reduction of approximately \$261,000 in expected revenues which would require dipping into fund balance (reserves) or reducing expenditures to maintain a balanced budget.

There was discussion regarding the ability to fund payroll adjustments pending the outcome of the pay plan study (audit) and how that money was placed in a restricted reserve account versus being appropriated in the budget. Interim City Manager Ken Thompson pointed out that the Board had previously approved a bond issue and committed to debt service which would begin in Fiscal Year 2007. He urged the Board to adopt this proposal as submitted in order to avoid a shortfall and a need to dip into unappropriated fund balance.

Comm. Nash posed the question of whether the Board wanted tax dollars to be spent on salaries or given back to the citizens of Bowling Green. Comm. Strow agreed it should go back to the citizens. Mr. Thompson stated that the Board was faced with the obligation to adopt a balanced budget and to determine how much fund balance it wanted to allocate to balance this budget.

Comm. Simpson stated that the proposed tax rate was less than the previous year, providing a savings to the taxpayer, and that the budget was based on this proposed rate. He disagreed with amending it to a lower rate as there may be increases in needs for services.

Mayor Walker stated that she was fully prepared to support the proposed tax rate; however, she agreed that if the Board could provide a slight tax relief to the citizens without threatening services, it should do so. Comm. Alcott agreed and stated that the reduction amounted to less than a half percent of the budget projections. With no further discussion, a roll call vote was taken.

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

Motion to amend Ordinance No. BG2005 - 44 was approved by majority vote.

Following a question regarding the personal property tax rate which had remained unchanged, motion was made by Alcott and seconded by Strow for first reading of said Ordinance as amended. Mayor Walker asked for additional discussion, and with none, a roll call vote was taken.

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

First reading of Ordinance No. BG2005 - 44, as amended, was approved by majority vote.

MUNICIPAL ORDER NO. 2005 - 244

MUNICIPAL ORDER APPROVING SPECIAL CONTRIBUTION FUND GRANTS TO VARIOUS NON-PROFIT ORGANIZATIONS

Summary of Municipal Order No. 2005 - 244 was read by the City Clerk. Citizen Information and Assistance Director Michael Grubbs reviewed the application and evaluation processes and the eligibility criteria to receive grant funding. 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: Alcott, Nash, Simpson, Strow and Walker
 Voting Nay: None

Municipal Order No. 2005 - 244 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2005 - 245

MUNICIPAL ORDER AUTHORIZING THE SUBMISSION OF AN APPLICATION FOR THE COMMUNITY ECONOMIC GROWTH GRANT (CEGG) FOR CONSTRUCTION OF A MAINTENANCE FACILITY AT THE KENTUCKY TRANSPARK

Summary of Municipal Order No. 2005 - 245 was read by the City Clerk. Grants Manager Lisa Ryan reviewed the recommended project for grant funding. She responded to questions

regarding issues raised at the September 6, 2005 work session. Comm. Strow stated that there was more than one project that could be submitted. Downtown Redevelopment Authority Director Cheryl Blaine requested the approval of a grant application for renovation of 601 State Street in lieu of or in addition to the maintenance facility.

There was additional discussion regarding the projects and whether to submit grant applications for one or both of the proposed projects. Upon clarification by City Clerk Katie Schaller of the recommended procedure to approve DRA's request as submitted, Comm. Nash stated he would sponsor the addition of a late filed Municipal Order.

Once discussion ended, motion was made by Strow and seconded by Alcott for consideration of Municipal Order No. 2005 - 245. Mayor Walker asked for additional discussion, and with none, a roll call vote was taken.

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

Municipal Order No. 2005 - 245 was approved by unanimous vote.

Motion was made by Nash and seconded by Simpson to add Municipal Order No. 2005 - 250 to the agenda for consideration. With no further discussion, a roll call vote was taken.

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

Motion to add Municipal Order No. 2005 - 250 to the agenda was approved by unanimous vote.

MUNICIPAL ORDER NO. 2005 - 250

MUNICIPAL ORDER AUTHORIZING THE SUBMISSION OF AN APPLICATION FOR THE COMMUNITY ECONOMIC GROWTH GRANT (CEGG) FOR RENOVATION OF 601 STATE STREET

Summary of Municipal Order No. 2005 - 250 was read by the City Clerk. 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: Alcott, Nash, Simpson, Strow and Walker
 Voting Nay: None

Municipal Order No. 2005 - 250 was approved by unanimous vote.

Following a brief recess, the Board of Commissioners continued with the regular agenda.

ORDINANCE NO. BG2005 - 45

(First Reading)

ORDINANCE CLOSING A PUBLIC RIGHT-OF-WAY

ORDINANCE APPROVING THE CLOSING OF AN UNPAVED PORTION OF RIGHT-OF-WAY OF HIGH STREET

(Minutes-Board of Commissioners-September 20, 2005)

Title and summary of Ordinance No. BG2005 - 45 was read by the City Clerk. Motion was made by Nash 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: Alcott, Nash, Simpson, Strow and Walker
 Voting Nay: None

First reading of Ordinance No. BG2005 - 45 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2005 - 246

MUNICIPAL ORDER APPROVING THE 2005 REVISED EMERGENCY OPERATIONS PLAN AND AUTHORIZING THE MAYOR TO EXECUTE ALL NECESSARY DOCUMENTS TO CARRY OUT THIS APPROVAL

Summary of Municipal Order No. 2005 - 246 was read by the City Clerk. Interim City Manager Ken Thompson stated this was a housekeeping item. 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: Alcott, Nash, Simpson, Strow and Walker
 Voting Nay: None

Municipal Order No. 2005 - 246 was approved by unanimous vote.

ORDINANCE NO. BG2005 - 46

(First Reading)

ORDINANCE AMENDING CODE OF ORDINANCES

ORDINANCE AMENDING CHAPTER 9 (CRIMES AND OFFENSES) OF THE CITY OF BOWLING GREEN CODE OF ORDINANCES TO REQUIRE ALL GASOLINE FILLING STATIONS TO RECEIVE PREPAYMENT FOR FUEL PURCHASES

Title and summary of Ordinance No. BG2005 - 46 was read by the City Clerk. Police Chief Bill Waltrip stated that this item was previously discussed at the September 6, 2005 work session. Comm. Nash commented about his involvement with sponsoring the Ordinance. He reviewed the perceived pros and cons and stated that his biggest issue was with regard to public safety and eliminating the ability to commit crime. Comm. Simpson also listed reasons to support the approval of this ordinance.

Comm. Strow stated he did not support the ordinance and expressed his concern regarding its effect on gas buyers and sellers. Comm. Alcott expressed his concern with the retailer being made the villain instead of the person who steals gas.

Mayor Walker stated her support of the ordinance and noted its effective date of January 1, 2006.

Comm. Strow made a motion to amend the penalty to be not more than \$5.00 and to remove the language regarding imprisonment. This motion died for lack of a second. With no further

discussion, a motion was made by Nash and seconded by Simpson for first reading of said Ordinance. A roll call vote was taken.

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

First reading of Ordinance No. BG2005 - 46 was approved by majority vote.

MUNICIPAL ORDER NO. 2005 - 247

MUNICIPAL ORDER APPROVING THE PROBATIONARY APPOINTMENT OF BRUCE DOUGLAS JOHNS TO THE POSITION OF LANDSCAPE GARDNER IN THE PARKS AND RECREATION DEPARTMENT, LANDSCAPE DIVISION

Summary of Municipal Order No. 2005 - 247 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 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: Alcott, Nash, Simpson, Strow and Walker
 Voting Nay: None

Municipal Order No. 2005 - 247 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2005 - 248

MUNICIPAL ORDER APPROVING THE PROBATIONARY APPOINTMENT OF LORI ANN GRAY TO THE POSITION OF ADMINISTRATIVE ASSISTANT IN THE HUMAN RESOURCES AND RISK MANAGEMENT DEPARTMENT

Summary of Municipal Order No. 2005 - 248 was read by the City Clerk. Human Resources Director Michele Tolbert reviewed the position and qualifications of the recommended applicant. 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: Alcott, Nash, Simpson, Strow and Walker
 Voting Nay: None

Municipal Order No. 2005 - 248 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2005 - 249

MUNICIPAL ORDER AUTHORIZING THE MAYOR TO EXECUTE A LEASE AGREEMENT WITH JENT'S ELITE HOME BRANDS TO LEASE FOUNTAIN SQUARE PARK AND DESIGNATED ADJACENT STREETS ON SEPTEMBER 30, 2005

Summary of Municipal Order No. 2005 - 249 was read by the City Clerk. Mayor Walker invited everyone to attend the event to benefit the victims of Hurricane Katrina. 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.

(Minutes-Board of Commissioners-September 20, 2005)

ROLL CALL: Voting Yea: Alcott, Nash, Simpson, Strow and Walker
 Voting Nay: None
Municipal Order No. 2005 - 249 was approved by unanimous vote.

CLOSED SESSION

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

ADJOURNMENT

Once all discussions concluded in closed session and there being no further business to come before the Board of Commissioners, at approximately 9:50 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) Fiscal Year 2006 Backyard CIP (Capital Improvement Program); and (2) Cedar Ridge Focal Point Plan.

ADOPTED: _____

APPROVED: _____
Mayor, Chairman of Board of Commissioners

ATTEST: _____
City Clerk

Minutes prepared by City Clerk Katie Schaller