

**MINUTES of REGULAR MEETING
of the BOARD of COMMISSIONERS
of the CITY of BOWLING GREEN, KENTUCKY
held JANUARY 3, 2006**

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 January 3, 2006. Mayor Elaine N. Walker called the meeting to order. Commissioner Brian "Slim" Nash 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 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 COMMENTS

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

ANNOUNCEMENT

Mayor Walker provided an update about the Memorandum of Understanding (MOU) between the City of Bowling Green, Downtown Redevelopment Authority, Inc. and Mandalay Baseball Properties, LLC regarding a Minor League Baseball Stadium and Mixed-Use Economic Development Project for downtown Bowling Green approved by Municipal Order No. 2005 - 221. She read from a letter dated December 30, 2005 sent by Vice-President of Development Richard Neumann, which stated that Mandalay Baseball regrets that it will allow the MOU to expire December 31, 2005. She further read that Mandalay is not in a position to relocate one of its existing teams or acquire a team for relocation to Bowling Green and will not pursue the opportunity any further.

CITY MANAGER

Mayor Walker welcomed new City Manager Kevin D. DeFebbo, who had no comments at this time, except to say he appreciated the opportunity to work for the City of Bowling Green.

APPROVAL OF MINUTES

Minutes of Special Meeting December 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 Nash and seconded by Alcott 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 special meeting of December 19, 2005 was approved by unanimous vote.

ORDINANCE NO. BG2005 - 54
(Second Reading)
ORDINANCE CLOSING A PUBLIC RIGHT-OF-WAY

ORDINANCE APPROVING THE CLOSING OF TWO ALLEY RIGHTS-OF-WAY LOCATED IN THE PARKING LOT OF 730 FAIRVIEW AVENUE, AND BETWEEN THE PARKING LOTS OF 730 FAIRVIEW AVENUE

Title and summary of Ordinance No. BG2005 - 54 was read by City Clerk Katie Schaller. Motion was made by Alcott 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 - 54 was adopted by unanimous vote.

CHANGE ORDER OF AGENDA

Comm. Nash made a motion to change the order of the agenda to consider Municipal Order Nos. 2006 - 2 and 2006 - 4 regarding personnel at this time. Motion was seconded by Simpson, and a roll call vote was taken.

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

Motion to change the order of the agenda to consider items numbered 7 and 9 at this time was approved by unanimous vote.

MUNICIPAL ORDER NO. 2006 - 2

MUNICIPAL ORDER APPROVING THE PROBATIONARY APPOINTMENT OF LISA DAWN BROWN TO THE POSITION OF POLICE OFFICER IN THE POLICE DEPARTMENT

Summary of Municipal Order No. 2006 - 2 was read by the City Clerk. Human Resources Director Michele Tolbert stated that the City accepts applications for certified Police Officers throughout the year. 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: Alcott, Nash, Simpson, Strow and Walker
 Voting Nay: None

Municipal Order No. 2006 - 2 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2006 - 4

MUNICIPAL ORDER APPROVING THE PROBATIONARY APPOINTMENTS OF TOMMY WAYNE BURRIS AND NICHOLAS ROBERT LATHROP TO THE POSITION OF LABORER II IN THE PUBLIC WORKS DEPARTMENT, OPERATIONS DIVISION

Summary of Municipal Order No. 2006 - 4 was read by the City Clerk. Human Resources Director Michele Tolbert reviewed the positions and the recommended applicants' qualifications. 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. 2006 - 4 was approved by unanimous vote.

RESUME REGULAR ORDER OF AGENDA

ORDINANCE NO. BG2005 - 55

(Second Reading)

ORDINANCE REZONING REAL ESTATE

ORDINANCE REZONING A TRACT OF LAND CONTAINING 15.94 ACRES FROM AG (AGRICULTURE) TO RM-3 (MULTI-FAMILY RESIDENTIAL) LOCATED AT THE INTERSECTION OF CAVE MILL ROAD AND CROSSINGS BOULEVARD, WITH BINDING ELEMENTS, PRESENTLY OWNED BY H & D RENTALS AND BRIGADIER DEVELOPMENT, LLC, CONTRACT VENDEE

Title and summary of Ordinance No. BG2005 - 55 was read by the City Clerk. Motion was made by Alcott 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 - 55 was adopted by unanimous vote.

ORDINANCE NO. BG2005 - 56

(Second Reading)

ORDINANCE RELATING TO CLASSIFICATION/PAY SCHEDULE

ORDINANCE REVISING THE CLASSIFICATION/PAY SCHEDULE FOR CLASSIFIED AND NON-CLASSIFIED EMPLOYEES OF THE CITY OF BOWLING GREEN, KENTUCKY FOR FISCAL YEAR 2006

Title and summary of Ordinance No. BG2005 - 56 was read by the City Clerk. Although he recognized that there were some areas that needed to be addressed with the pay plan, Comm. Simpson urged approval of the pay adjustments to move employees to market and to maintain competitive starting salaries. He requested that the City Manager address the areas of concern in putting the pay plan together.

Comm. Strow agreed that employees should be rewarded for their work; however, he did not believe it was appropriate to implement a flawed market study. Comm. Alcott also relayed that the issue was not with paying employees, but rather with a flawed pay plan. Comm. Nash stated that in

his opinion approving these pay adjustments would not address the long-term problem of the pay plan. He further stated that he hoped the Board would commission a pay plan that was sound and accurate.

Mayor Walker reminded the Board that it engaged the services of a consultant who supported the proposed pay adjustments and she urged support of the ordinance to address wages. Motion was made by Simpson and seconded by Walker for second reading of said Ordinance. Mayor Walker asked for discussion, and with none, a roll call vote was taken.

ROLL CALL: Voting Yea: Simpson and Walker
 Voting Nay: Alcott, Nash and Strow
Ordinance No. BG2005 - 56 was defeated by majority vote.

ORDINANCE NO. BG2005 - 57
(Second Reading, As Amended)
ORDINANCE RELATING TO BUDGET AMENDMENT

ORDINANCE APPROVING AMENDMENT NUMBER ONE TO THE
CITY OF BOWLING GREEN, KENTUCKY ANNUAL OPERATING
BUDGET FOR FISCAL YEAR 2006

Title and summary of Ordinance No. BG2005 - 57 was read by the City Clerk. Motion was made by Alcott and seconded by Nash for second reading of said Ordinance, as amended. 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 - 57, as amended, was adopted by unanimous vote.

MUNICIPAL ORDER NO. 2006 - 1

MUNICIPAL ORDER AUTHORIZING THE WARREN COUNTY
WATER DISTRICT OF WARREN COUNTY, KENTUCKY TO BE
THE GRANT RECIPIENT OF A U.S. ENVIRONMENTAL
PROTECTION AGENCY GRANT FOR SPECIAL PROJECTS AND
PROGRAMS AUTHORIZED BY THE AGENCY'S 2005
APPROPRIATION ACT

Summary of Municipal Order No. 2006 - 1 was read by the City Clerk. Mayor Walker indicated that the program began in the 1990's to support needed infrastructure. 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: Alcott, Nash, Simpson, Strow and Walker
 Voting Nay: None
Municipal Order No. 2006 - 1 was approved by unanimous vote.

NOTE: Municipal Order No. 2006 - 2 was previously considered.

MUNICIPAL ORDER NO. 2006 - 3

MUNICIPAL ORDER DIRECTING THE FULL ENACTMENT OF THE AUGUST 17, 2001 INTERLOCAL COOPERATION AGREEMENT BETWEEN THE CITY OF BOWLING GREEN AND WARREN COUNTY, AND DIRECTING OTHER MEASURES PERTAINING TO PUBLIC OVERSIGHT OF THE INTER-MODAL TRANSPORTATION AUTHORITY, INC.

Summary of Municipal Order No. 2006 - 3 was read by the City Clerk. Comm. Strow stated that among others, there were two key provisions of the 2001 agreement that have not been implemented: (1) amendment of by-laws to provide equal representation on the ITA board between the City and the County, and (2) providing periodic reports, annual budgets and audits for approval by the parties. Mayor Walker interjected that the process of equal representation has been that the Mayor provides the Judge Executive with a list of nominees to be appointed by the Judge Executive to the ITA board since it is a county agency.

Comm. Alcott stated that he agreed with a lot of the issues, but believed them to be primarily housekeeping and administrative. He asked the City Manager to follow through with enforcement. Comm. Simpson stated that there were too many unknowns that needed to be looked into first. Comm. Nash agreed it was a recordkeeping issue, and that the record needed to be cleared. However, he inquired if the establishment of a timeframe to complete would be appropriate.

With no specified timeframe stated, motion was made by Alcott and seconded by Simpson to table Municipal Order No. 2006 - 3. With no further discussion, a roll call vote was taken.

ROLL CALL: Voting Yea: Alcott, Simpson and Walker

Voting Nay: Nash and Strow

Motion to table Municipal Order No. 2006 - 3 was approved by majority vote.

NOTE: Municipal Order No. 2006 - 4 was previously considered.

RESOLUTION NO. 2006 - 1

RESOLUTION EXPRESSING INTENT OF THE BOARD OF COMMISSIONERS TO EVALUATE POTENTIAL ACTIONS RELATED TO THE INSURANCE SERVICES OFFICE RATING OF THE HOUSING AND COMMUNITY DEVELOPMENT DEPARTMENT, BUILDING AND INSPECTION DIVISION

Summary of Resolution No. 2006 - 1 was read by the City Clerk. Mayor Walker indicated that this was a follow up to the December 6, 2005 work session discussion. Motion was made by Alcott and seconded by Nash for consideration of said Resolution. 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

Resolution No. 2006 - 1 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2006 - 5

MUNICIPAL ORDER AUTHORIZING AND ACCEPTING BID
#2006-29 FOR RIFLES FOR THE POLICE DEPARTMENT FROM
PHOENIX DISTRIBUTORS OF FEASTERVILLE, PENNSYLVANIA
IN THE AMOUNT OF \$31,628

Summary of Municipal Order No. 2006 - 5 was read by the City Clerk. Police Chief Bill Waltrip stated that this was the first of a two-part purchase over two years to replace shotguns with rifles. 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. 2006 - 5 was approved by unanimous vote.

ADJOURNMENT

Mayor Walker announced that January 17, 2006 was the next scheduled meeting of the Board. There being no further business to come before the Board of Commissioners, at approximately 7:35 p.m., Mayor Walker declared this meeting adjourned.

ADOPTED: _____

APPROVED: _____
Mayor, Chairman of Board of Commissioners

ATTEST: _____
City Clerk

Minutes prepared by City Clerk Katie Schaller