

**MINUTES of REGULAR MEETING  
of the BOARD of COMMISSIONERS  
of the CITY of BOWLING GREEN, KENTUCKY  
held MARCH 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 March 15, 2005. Mayor Elaine N. Walker called the meeting to order. An invocation was given by Richpond Baptist Church Associate Pastor Herb Case, 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**

Jim Duffer of 516 Chestnut Street expressed his opposition to the ballpark development and suggested the use of Western Kentucky University's baseball field instead of building a stadium. In addition, Mr. Duffer suggested that money would be better spent buying Mariah's and using it as a museum.

**CITY MANAGER**

City Manager Charles W. Coates requested a closed session 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 that no action would follow the discussion. Motion was made by Nash and seconded by Simpson to convene in closed session following the regular meeting pursuant to KRS 61.810 (f). Walker called for roll call vote.

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

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

**APPROVAL OF MINUTES**

Minutes of Regular Meeting March 1, 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 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: Nash, Simpson, Strow, Alcott and Walker  
                          Voting Nay: None

Motion to approve the minutes of the regular meeting of March 1, 2005 was approved by unanimous vote.

**ORDINANCE NO. BG2005 – 8  
(Second Reading)  
ORDINANCE AMENDING CODE OF ORDINANCES**

ORDINANCE AMENDING CHAPTER 8 (CEMETERIES) OF THE  
CITY OF BOWLING GREEN CODE OF ORDINANCES TO  
PROHIBIT DOGS IN CITY-OWNED CEMETERIES

Title and summary of Ordinance No. BG2005 - 8 was read by City Clerk Katie Schaller. Dennis O'Keefe of 833 Huntington Street expressed his opposition to this ordinance and its criminal penalties. Comm. Alcott stated he would prefer a city-wide ordinance that would provide for pet owners to clean up after their pet. Comm. Nash stated that as an enforcement issue, the penalties should be brought under code enforcement (civil) instead of being criminal. He also suggested that the process start by not allowing animals on the grass and require the owner to pick up after the animal versus a complete prohibition of dogs. Comm. Strow stated that it is a larger issue that there are pet owners who are not being responsible and the cleanup issue needs to be addressed. Comm. Simpson made a motion to table Ordinance No. BG2005-8, which was seconded by Alcott. With no further discussion, a roll call vote was taken.

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

Motion to table Ordinance No. BG2005 - 8 was approved by unanimous vote. Following the vote to table, Comm. Nash stated his intent to bring this ordinance off the table at the next meeting.

ORDINANCE NO. BG2005 - 9  
(First Reading)  
ORDINANCE REZONING REAL ESTATE

ORDINANCE REZONING A TRACT OF LAND CONTAINING 0.30  
ACRE FROM RM-4 (MULTI-FAMILY RESIDENTIAL) TO OP-R  
(OFFICE PROFESSIONAL-RESIDENTIAL) LOCATED AT 420  
WEBB DRIVE, WITH BINDING ELEMENTS, PRESENTLY  
OWNED BY MARK AND JENNIFER HAYNIE

Title and summary of Ordinance No. BG2005 - 9 was read by the City Clerk. Planning Commission Director Andy Gillies reviewed the rezoning for a daycare center and its associated binding elements. Gillies responded to questions regarding the requirements for a daycare and any reaction from neighboring property owners. 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 - 9 was approved by unanimous vote.

ORDINANCE NO. BG2005 - 10  
(First Reading)  
ORDINANCE REZONING REAL ESTATE

ORDINANCE REZONING A TRACT OF LAND CONTAINING 0.69  
ACRE FROM RM-3 (MULTI-FAMILY RESIDENTIAL) TO RM-4  
(MULTI-FAMILY RESIDENTIAL) LOCATED ON OLD BARREN

RIVER ROAD AND GRANT WAY, WITH BINDING ELEMENTS,  
PRESENTLY OWNED BY SUSAN JOST

Title and summary of Ordinance No. BG2005 - 10 was read by the City Clerk. Gillies reviewed the rezoning for a 16-unit apartment complex and its associated binding elements. Gillies responded to questions related to homeownership options in the surrounding area, rental history of the owner, the number of rental units to be constructed and opposition at the public hearing.

City Attorney Gene Harmon clarified the process of the Board, which would be to hold its own public hearing if it was considering not approving the Planning Commission's recommendation for rezoning. Mayor Walker stated that although she disagreed with increasing the number of rental properties, she did not think the Board should tell someone what they could do or not do with his/her property. Motion was made by Nash 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 - 10 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2005 - 54

MUNICIPAL ORDER 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 MODEL 5325 LV TRACTOR FOR THE PARKS AND RECREATION DEPARTMENT, MAINTENANCE DIVISION IN THE AMOUNT OF \$26,596.41

Summary of Municipal Order No. 2005 - 54 was read by the City Clerk. Parks Maintenance Division Manager Gerald Belcher reviewed the equipment replacement and purchase. Belcher responded to questions regarding the use of the state pricing contract versus competitive bidding, the two-year warranty and the expected life of the tractor. 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 - 54 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2005 - 55

MUNICIPAL ORDER APPROVING THE APPOINTMENT OF ROGER E. LAPOINTE TO THE CITY OF BOWLING GREEN CODE ENFORCEMENT BOARD

Summary of Municipal Order No. 2005 - 55 was read by the City Clerk. Mayor Walker recommended the appointment. 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 - 55 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2005 - 56

MUNICIPAL ORDER APPROVING AND AUTHORIZING THE  
MAYOR TO EXECUTE A MEMORANDUM OF AGREEMENT  
BETWEEN THE CITY OF BOWLING GREEN AND DOWNTOWN  
REDEVELOPMENT AUTHORITY, INC.

Summary of Municipal Order No. 2005 - 56 was read by the City Clerk. Comm. Nash indicated that this agreement was to address and eliminate a breakdown of communication between the City and the Downtown Redevelopment Authority (DRA). Comm. Alcott stated that this agreement was intended to put DRA at the table with downtown development and that the Board of Commissioners would maintain all decision-making authority. Comm. Strow raised questions regarding some of the language in the agreement and requested clarification about whether the City was agreeing to give DRA more money to market downtown.

DRA Director Cheryl Blaine reviewed marketing strategies that could be used for downtown. She stated that DRA's primary focus was on downtown economic development and its ability to guide development toward what the people have requested. Mayor Walker included that with a Master Plan in place, DRA would manage projects to make sure they fit in with that Plan and to make sure that someone is actively involved in that process.

Housing and Community Development Director Alice Burks agreed that the current agreement approved in 1999 needed updating; however, she listed some concerns with the general language in the proposed agreement. She compared the proposed agreement with one drafted by City Attorney Harmon that more clearly defined the responsibilities of each party. Mayor Walker disagreed with over legislating at the beginning, and stated that if there were a problem, it would be up to the Board of Commissioners to address it.

Planning Commission Director Andy Gillies, a member of the DRA board, reviewed items of concern in the proposed agreement as they related to the Planning Commission, including the need to define the role DRA would play as designated agent for downtown development, the need to clarify development responsibilities and the need to include reference to the Comprehensive Plan. Comm. Nash stated that it was not the intent of this agreement to usurp the authority of the Planning Commission.

Mayor Walker asked that the parties work together to find a solution. Burks requested that this Municipal Order be tabled so that she, Ms. Blaine and Mr. Gillies could meet to hash out a better-defined agreement. Comm. Strow made a motion, which was seconded by Simpson, to postpone consideration of Municipal Order No. 2005-56 until the April 5, 2005 meeting of the Board. With no further discussion, a roll call vote was taken.

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

Voting Nay: None

Motion to postpone consideration of Municipal Order No. 2005 - 56 until April 5, 2005 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2005 - 57

MUNICIPAL ORDER RATIFYING THE REAPPOINTMENTS THROUGH ELECTIONS OF DEBBIE FUGATE, CELIA LOPEZ AND MITCH WALKER TO THE BOWLING GREEN ENTERPRISE COMMUNITY, INC. BOARD OF DIRECTORS

Summary of Municipal Order No. 2005 - 57 was read by the City Clerk. Mayor Walker recommended ratification of the elections. 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 - 57 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2005 - 58

MUNICIPAL ORDER APPROVING A MEMORANDUM OF UNDERSTANDING WITH JIM BULLINGTON AND AUTHORIZING THE MAYOR TO EXECUTE THIS MEMORANDUM OF UNDERSTANDING ON BEHALF OF THE CITY OF BOWLING GREEN

Summary of Municipal Order No. 2005 - 58 was read by the City Clerk. Mayor Walker indicated that Mr. Bullington would act as liaison to address issues continuing under the investigation into past accounting expenditures of the Convention Center Corporation. City Attorney Harmon reviewed comments provided by David Lanphear, the attorney representing Mr. Bullington, for suggested changes to the memorandum of understanding. Comm. Strow and Comm. Nash agreed that Mr. Bullington should not be paid for his volunteer services.

Citizen Information and Assistance Director and Convention Center CEO Michael Grubbs responded to questions regarding the amount of expenditures to date from James King, who is reviewing past accounting records and bills from the Convention Center Corporation, and the anticipated timing of Mr. King's report. King is a director with the CPA accounting firm King and Company in Louisville, Kentucky. 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: Nash, Simpson, Strow, Alcott and Walker  
Voting Nay: None

Municipal Order No. 2005 - 58 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2005 - 59

MUNICIPAL ORDER APPROVING AND AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT WITH THE COMMONWEALTH OF KENTUCKY, OFFICE OF HOUSING, BUILDINGS AND CONSTRUCTION RELATED TO THE GRANTING OF ADDITIONAL RESPONSIBILITY FOR PLAN REVIEW

Summary of Municipal Order No. 2005 - 59 was read by the City Clerk. Burks explained that this was an extension of the 1980 agreement with the state to provide local plan review of larger commercial industrial facilities. 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: Nash, Simpson, Strow, Alcott and Walker  
                          Voting Nay: None

Municipal Order No. 2005 - 59 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2005 - 60

MUNICIPAL ORDER APPROVING AND AUTHORIZING THE MAYOR TO EXECUTE A PLAN REVIEW AGREEMENT WITH WARREN COUNTY

Summary of Municipal Order No. 2005 - 60 was read by the City Clerk. Coates withdrew this item from consideration at this time and noted that the item would be brought back at a later date.

MUNICIPAL ORDER NO. 2005 - 61

MUNICIPAL ORDER AUTHORIZING THE ACCEPTANCE OF A GRANT FROM THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) FOR ASSISTANCE TO FIREFIGHTERS GRANT PROGRAM FUNDS IN THE AMOUNT OF \$320,175

Summary of Municipal Order No. 2005 - 61 was read by the City Clerk. Deputy Fire Chief Walter Jordan reviewed the grant and use of funds. 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 - 61 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2005 - 62

MUNICIPAL ORDER APPROVING THE APPOINTMENT OF DAN W. RILEY TO THE BOWLING GREEN AREA CONVENTION AND VISITORS BUREAU

Summary of Municipal Order No. 2005 - 62 was read by the City Clerk. Mayor Walker recommended the appointment. 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 - 62 was approved by unanimous vote.

**MUNICIPAL ORDER NO. 2005 - 63**

**MUNICIPAL ORDER APPROVING THE PROMOTION OF JOSEPH JOHN "JAY" DOUGHERTY TO THE POSITION OF LANDSCAPE MANAGER IN THE PARKS AND RECREATION DEPARTMENT, LANDSCAPE DIVISION**

Summary of Municipal Order No. 2005 - 63 was read by the City Clerk. Human Resources Director Michele Tolbert reviewed the position and qualifications for promotion. Motion was made by Strow 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 - 63 was approved by unanimous vote.

**MUNICIPAL ORDER NO. 2005 - 64**

**MUNICIPAL ORDER APPROVING THE PROBATIONARY APPOINTMENT OF JOSHUA WILLIAM HARDY TO THE POSITION OF CREW SUPERVISOR I IN THE PARKS AND RECREATION DEPARTMENT, GOLF DIVISION**

Summary of Municipal Order No. 2005 - 64 was read by the City Clerk. Tolbert reviewed the position and the qualifications of the recommended applicant. 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 - 64 was approved by unanimous vote.

**MUNICIPAL ORDER NO. 2005 - 65**

**MUNICIPAL ORDER APPROVING THE REAPPOINTMENTS OF BERNADETTE TARDY AND CEDRIC BURNAM, AND THE APPOINTMENT OF LUIS LLONTOP TO THE BOWLING GREEN ENTERPRISE COMMUNITY, INC. BOARD OF DIRECTORS**

Summary of Municipal Order No. 2005 - 65 was read by the City Clerk. Mayor Walker recommended the appointments. Comm. Nash inquired as to how the community was made aware of the openings. Schaller pointed out that this particular board has specific requirements. Burks stated that a list of recommended appointments was provided by the Service Provider group. 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 - 65 was approved by unanimous vote.

CLOSED SESSION

Following a brief recess to clear the Commission Chamber, the Board of Commissioners convened in closed session pursuant to KRS 61.810 (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 9:45 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 regarding the Regional Wastewater Facility Plan Update for Bowling Green Municipal Utilities (BGMU) and Warren County Water District (WCWD); (2) presentation and overview of ConnectKentucky; (3) presentation and overview of the Historic Preservation Board; and (4) presentation and overview of the Housing Authority of Bowling Green.

ADOPTED: \_\_\_\_\_

APPROVED: \_\_\_\_\_  
Mayor, Chairman of Board of Commissioners

ATTEST: \_\_\_\_\_  
City Clerk

*Minutes prepared by City Clerk Katie Schaller*