

**MINUTES of REGULAR MEETING  
of the BOARD of COMMISSIONERS  
of the CITY of BOWLING GREEN, KENTUCKY  
held SEPTEMBER 6, 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 6, 2005. Mayor Elaine N. Walker called the meeting to order. An invocation was given by Commissioner Alcott, and all present recited the Pledge of Allegiance. City Clerk Katie Schaller called the roll, and the following members were present: Commissioner Brian K. Strow, Commissioner Mark D. Alcott, Commissioner Brian “Slim” Nash, Commissioner Delane Simpson and Mayor Elaine N. Walker. Absent: none. There was a full quorum of the Board of Commissioners.

**PUBLIC HEARINGS**

City Engineer Jeff Lashlee conducted public hearings for the purpose of reviewing the proposed use of the Municipal Aid Program (Liquid Fuel Tax) funds and the Coal Severance and Processing Tax and Mineral Severance Tax. He stated that the Fiscal Year 2006 LFT projected revenues are \$800,000, with projects proposed in three categories—Street Resurfacing, Sidewalk Reconstruction and Traffic Calming—at a total cost of \$952,000. He also stated that the Fiscal Year 2006 Coal-Mineral Tax projected revenues are \$23,000, with \$50,000 designated to be spent. Mr. Lashlee indicated that each fund had a reserve that would allow for the additional spending compared to projected revenues.

Mr. Lashlee responded to questions regarding the impact of increased gasoline prices on the multi-year street resurfacing contract that was bid last fiscal year. Public Works Director Emmett Wood responded to questions regarding the use of special funds allocated in the 2005 General Assembly that may be used for the College Street Pedestrian Bridge project.

There was also discussion regarding the ability to spend LFT and Coal-Mineral funds in reserve on other projects versus stockpiling those funds. Comm. Alcott suggested and Comm. Strow agreed that the reserve funds could be spent on the downtown signal replacement project. Comm. Nash recommended that the proposed loop road connecting Patton Way to Campbell Lane be considered for funding with reserves. Assistant to City Manager Shawna Dowell pointed out that the Fiscal Year 2006 proposed projects exceed incoming revenues by dipping into the reserves and the Coal-Mineral fund must cover annual bond debt payments. Mr. Wood agreed to review the issue further and bring back a recommendation at a later date. There were no questions or comments from the public.

**ANNOUNCEMENTS**

Mayor Walker expressed condolences to the families impacted by Hurricane Katrina along the Gulf Coast. She also extended sympathies to the family of Roy O. Buchanon who recently passed away.

PUBLIC COMMENTS

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

CITY MANAGER

Interim City Manager Kenneth R. Thompson had no comments at this time.

APPROVAL OF MINUTES

Minutes of Regular Meeting August 16, 2005 and Special Meetings August 18 and 25, 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: Strow, Alcott, Nash, Simpson and Walker  
                  Voting Nay: None

Motion to approve the minutes of the regular meeting of August 16, 2005 and the special meetings of August 18 and 25, 2005 was approved by unanimous vote.

ORDINANCE NO. BG2005 - 37

(Second Reading)

ORDINANCE REZONING REAL ESTATE

ORDINANCE REZONING TWO TRACTS OF LAND CONTAINING 12.22 ACRES FROM AG (AGRICULTURE) TO RS-1A (SINGLE FAMILY RESIDENTIAL) AND RS-1C (SINGLE FAMILY RESIDENTIAL) LOCATED ON SCOTT LANE, WITH BINDING ELEMENTS, PRESENTLY OWNED BY V. RICHARD AND K. SHEA ROGERS

Title and summary of Ordinance No. BG2005 - 37 was read by City Clerk Katie Schaller. Motion was made by Nash and seconded by Alcott for second reading of said Ordinance. Mayor Walker asked for discussion, and with none, a roll call vote was taken.

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

Ordinance No. BG2005 - 37 was adopted by unanimous vote.

ORDINANCE NO. BG2005 - 38

(Second Reading)

ORDINANCE AMENDING CODE OF ORDINANCES

ORDINANCE AMENDING CHAPTER 9 (CRIMES AND OFFENSES) OF THE CITY OF BOWLING GREEN CODE OF ORDINANCES RELATED TO THE CONSUMPTION OF ALCOHOLIC BEVERAGES ON PROPERTY OWNED OR MAINTAINED BY THE CITY OF BOWLING GREEN

Title and summary of Ordinance No. BG2005 - 38 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: Strow, Alcott, Nash, Simpson and Walker  
                          Voting Nay: None

Ordinance No. BG2005 - 38 was adopted by unanimous vote.

NOTE: Ordinance No. BG2005 - 39 amending Chapter 25 (Code of Ethics) of the City of Bowling Green Code of Ordinances to create a new section regarding conflicts of interest in the provision of legal services was withdrawn from the agenda. Mayor Walker indicated that the City was working with the Bowling Green/Warren County Bar Association on another approach that would achieve the same goals.

MUNICIPAL ORDER NO. 2005 - 230

MUNICIPAL ORDER APPROVING THE APPOINTMENT OF ELIO PAJARES TO THE BOARD OF PARK COMMISSIONERS

Summary of Municipal Order No. 2005 - 230 was read by the City Clerk. Mayor Walker recommended this appointment. 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: Strow, Alcott, Nash, Simpson and Walker  
                          Voting Nay: None

Municipal Order No. 2005 - 230 was approved by unanimous vote.

ORDINANCE NO. BG2005 - 40

(First 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 the City Clerk. Planning Commission Director Andy Gillies reviewed the rezoning and associated binding elements to expand an existing convenience store. 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: Strow, Alcott, Nash, Simpson and Walker  
                          Voting Nay: None

First reading of Ordinance No. BG2005 - 40 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2005 - 231

MUNICIPAL ORDER APPROVING AND AUTHORIZING REIMBURSEMENT OF OUT-OF-TOWN TRAVEL EXPENSES TO LOUISVILLE, KENTUCKY FOR MAYOR ELAINE N. WALKER

Summary of Municipal Order No. 2005 - 231 was read by the City Clerk. 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: Strow, Alcott, Nash and Simpson  
                          Voting Nay: None  
                          Voting Abstain: Walker

Municipal Order No. 2005 - 231 was approved by majority vote.

MUNICIPAL ORDER NO. 2005 - 232

MUNICIPAL ORDER CONFIRMING AND APPROVING THE REAPPOINTMENTS OF JACKIE LIGHTFOOT, DAVID TOWELL AND SHANNA SPURLOCK TO THE BOWLING GREEN AREA CONVENTION AND VISITORS BUREAU

Summary of Municipal Order No. 2005 - 232 was read by the City Clerk. Bowling Green Area Convention and Visitors Bureau Director Vicki Fitch reviewed the process for selecting members to be appointed by both the City and County. 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: Strow, Alcott, Nash, Simpson and Walker  
                          Voting Nay: None

Municipal Order No. 2005 - 232 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2005 - 233

MUNICIPAL ORDER AUTHORIZING AND ACCEPTING BID #2006-07 FOR ROTARY TRIM MOWER LEASE/PURCHASE FOR DEPARTMENT OF PARKS AND RECREATION, GOLF DIVISION FROM KENNEY OUTDOOR SOLUTIONS OF LOUISVILLE, KENTUCKY FOR A FIVE-YEAR LEASE TO PURCHASE IN THE AMOUNT OF \$29,094

Summary of Municipal Order No. 2005 - 233 was read by the City Clerk. Golf Course Operations Superintendent Tony Whitmer described the equipment to be housed at the Riverview golf course. Mr. Whitmer responded to questions regarding the lease to purchase agreement and the life expectancy of the equipment. 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: Strow, Alcott, Nash, Simpson and Walker  
                          Voting Nay: None

Municipal Order No. 2005 - 233 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2005 - 234

MUNICIPAL ORDER APPROVING THE TRANSFER OF VINCENT PATRICK AMONETT FROM THE POSITION OF ATHLETIC SUPERVISOR IN THE PARKS AND RECREATION DEPARTMENT, ATHLETICS DIVISION TO THE POSITION OF CREW SUPERVISOR I IN THE PARKS AND RECREATION DEPARTMENT, GOLF DIVISION

Summary of Municipal Order No. 2005 - 234 was read by the City Clerk. Human Resources Director Michele Tolbert reviewed the position and subsequent transfer. 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: Strow, Alcott, Nash, Simpson and Walker  
                          Voting Nay: None

Municipal Order No. 2005 - 234 was approved by unanimous vote.

RESOLUTION NO. 2005 - 2

RESOLUTION EXPRESSING SUPPORT OF BID TO HOST REGIONAL NEIGHBORHOOD NETWORK CONFERENCE (RNNC)

Summary of Resolution No. 2005 - 2 was read by the City Clerk. Neighborhood Action Coordinator Karen Foley outlined the process for submitting bids to host a conference. She responded to questions regarding the cost to the City to host and the average attendance. 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: Strow, Alcott, Nash, Simpson and Walker  
                          Voting Nay: None

Resolution No. 2005 - 2 was approved by unanimous vote.

ORDINANCE NO. BG2005 - 41

(First 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. Planning Commission Director Andy Gillies reviewed the rezoning and binding elements for an adaptive reuse project. 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: Strow, Alcott, Nash, Simpson and Walker  
                  Voting Nay: None  
First reading of Ordinance No. BG2005 – 41 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2005 – 235

MUNICIPAL ORDER AUTHORIZING THE ACCEPTANCE OF A GRANT FROM THE UNITED STATES DEPARTMENT OF JUSTICE, BUREAU OF JUSTICE ASSISTANCE, THROUGH THE BULLETPROOF VEST PARTNERSHIP PROGRAM IN THE AMOUNT OF \$6,999.96

Summary of Municipal Order No. 2005 – 235 was read by the City Clerk. Police Office Associate Heather Plowman indicated that this was a recurring grant with a fifty percent match required. 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: Strow, Alcott, Nash, Simpson and Walker  
                  Voting Nay: None  
Municipal Order No. 2005 - 235 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2005 – 236

MUNICIPAL ORDER AUTHORIZING AND ACCEPTING SECOND YEAR OF BID #2005-38 FOR FISCAL YEAR 2006 STREET RESURFACING FOR THE PUBLIC WORKS DEPARTMENT FROM KENWAY PAVING, LLC OF BOWLING GREEN, KENTUCKY IN THE AMOUNT OF \$842,175

Summary of Municipal Order No. 2005 - 236 was read by the City Clerk. Project Manager Dan Chaney stated that this bid was previously discussed during the public hearing. He recommended continuation of the multi-year contract for Fiscal Year 2006. 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: Strow, Alcott, Nash, Simpson and Walker  
                  Voting Nay: None  
Municipal Order No. 2005 - 236 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2005 – 237

MUNICIPAL ORDER AUTHORIZING THE MAYOR TO EXECUTE A LEASE AGREEMENT WITH BOWLING GREEN INTERNATIONAL FESTIVAL, INC. TO LEASE FOUNTAIN SQUARE PARK AND DESIGNATED ADJACENT STREETS ON SEPTEMBER 24, 2005

Summary of Municipal Order No. 2005 - 237 was read by the City Clerk. 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:   Strow, Alcott, Nash, Simpson and Walker  
                          Voting Nay:   None

Municipal Order No. 2005 - 237 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2005 - 238

MUNICIPAL ORDER APPROVING RECOMMENDATION FROM THE BOWLING GREEN AREA CONVENTION AND VISITORS BUREAU TO DISTRIBUTE \$10,000 OF TRANSIENT ROOM TAXES TO AVIATION HERITAGE PARK, INC.

Summary of Municipal Order No. 2005 - 238 was read by the City Clerk. Bowling Green Area Convention and Visitors Bureau Director Vicki Fitch stated that this was the first recommendation for use of special project funds. 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:   Strow, Alcott, Nash, Simpson and Walker  
                          Voting Nay:   None

Municipal Order No. 2005 - 238 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2005 - 239

MUNICIPAL ORDER RATIFYING NONRENEWAL OF AGREEMENT WITH AQUATIC MANAGEMENT SERVICES OF ALPHARETTA, GEORGIA RELATED TO POOL MANAGEMENT

Summary of Municipal Order No. 2005 - 239 was read by the City Clerk. Parks and Recreation Director Ernie Gouvas reviewed the reasons for nonrenewal of contract. Interim City Manager Ken Thompson commented about the lack of training, issues with payroll withholdings and improper use of pool chemicals. Mr. Gouvas responded to questions regarding next year's plan for pool operation and the expected savings achieved from contracting this year. 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:   Strow, Alcott, Nash, Simpson and Walker  
                          Voting Nay:   None

Municipal Order No. 2005 - 239 was approved by unanimous vote.

ORDINANCE NO. BG2005 - 42  
(First 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. Planning Commission Director Andy Gillies reviewed the rezoning and binding elements for an adaptive reuse project to house the Human Rights Commission offices. He responded to questions regarding parking and the surrounding area. Motion was made by Simpson 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: Strow, Alcott, Nash, Simpson and Walker  
                          Voting Nay: None

First reading of Ordinance No. BG2005 - 42 was approved by unanimous vote.

ADJOURNMENT

Mayor Walker announced that September 20, 2005 was the next scheduled meeting of the Board. There being no further business to come before the Board of Commissioners, at approximately 8:25 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) application for Community Economic Growth Grant (CEGG) funds; (2) Bowling Green Police Department's Citizen Assessment Report; (3) amending Code of Ordinances to address issue of unpaid gasoline drive-offs; and (4) purchase tasers for use by the Police Department.

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

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

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

*Minutes prepared by City Clerk Katie Schaller*