

**MINUTES of REGULAR MEETING
of the BOARD of COMMISSIONERS
of the CITY of BOWLING GREEN, KENTUCKY
held MARCH 1, 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 1, 2005. Mayor Elaine N. Walker called the meeting to order. An invocation was given by Rev. Earl Jackson of New Bethel Baptist Church, 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 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.

RECOGNITION

Mayor Walker recognized former Parks and Recreation Director Russell Sims, who passed away on Saturday, February 26, 2005, for his years of service to the City of Bowling Green and to the community.

PUBLIC HEARINGS

City Engineer Jeff Lashlee conducted a public hearing for the purpose of reviewing the proposed use of Municipal Aid Program funds, and for reviewing the proposed use of the Coal Severance and Processing Tax and the Mineral Severance Tax. Lashlee reviewed the proposed expenditures of the Coal and Mineral Severance taxes for public safety and transportation needs. He also reviewed the street overlay and sidewalk repair projects funded by the Municipal Aid Program (Liquid Fuel Tax) funds. Lashlee responded to questions regarding the benefits of maintaining funds in reserve. Chief Financial Officer Davis Cooper also responded to questions regarding the reserve funds and how often funds are received from the State. There was also discussion of a proposed increase to the Municipal Aid Program funds as provided in the Senate's version of the budget bill (HB 267) introduced in the 2005 Session of the Kentucky General Assembly.

Housing and Community Development Director Alice Burks conducted a public hearing for the purpose of obtaining citizen views on housing and community development needs, responding to proposed activities and questions, and reviewing past performance under the Community Development Block Grant (CDBG) Program. Burks stated that the City's second year CDBG entitlement would be \$639,801.

Following her statements, Burks opened the floor for public comments regarding the use of CDBG entitlement funds in Fiscal Year 2006. Several comments were made in support of continuing funding in the amount of \$25,000 for the Human Rights Commission fair housing educational and outreach programming by Human Rights Commission (HRC) Director Linda McCray, Bristow Elementary School teacher Staci Hernandez, Latin community member Regina Gomez, HRC members Howard Bailey and Marshal Gray, and Western Kentucky University faculty member Alan Anderson. Mr. Anderson also suggested that the Board consider the issue of providing for local enforcement of local fair housing ordinances by HRC versus an office in Louisville, Kentucky.

BG-WC Primary Care Center Director Chris Keyser requested CDBG entitlement funds to assist with purchasing new dental equipment and for providing moving and equipment installation costs for the new facility in the amount of \$150,000. In addition, Ms. Keyser requested additional funds for increased medical and dental services for the community.

Burks responded to questions from the Board of Commissioners regarding the next step in the process of determining how these funds are to be allocated, the timeline that is directed by Housing and Urban Development (HUD) and the specific needs and constraints tied to the expenditure of these funds.

PUBLIC COMMENTS

Anthony Bradshaw, President of the Board of Directors of the Children's Museum of Kentucky, provided a packet of information to the Board regarding his work with establishing and opening a Children's Museum in Bowling Green. He requested assistance from the City of Bowling Green with the purchase of the museum facilities. Mr. Bradshaw proposed that the City could purchase two properties on Center Street for approximately \$1.1 million and lease those properties to the museum at a rate of \$10,000 per month. Mayor Walker questioned if Mr. Bradshaw had prepared a detailed business plan. Mr. Bradshaw stated he had.

CITY MANAGER

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

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.

Coates also requested if there was any interest by Comm. Nash, Comm. Simpson and Comm. Strow regarding attending a four-hour training session to be conducted by Kentucky League of Cities (KLC). He stated that this training session would be a scaled-down version of the Elected Officials Academy sessions that Mayor Walker and Comm. Alcott attended in January 2005. Coates said he would be back in touch with the group regarding a potential date and time.

APPROVAL OF MINUTES

Minutes of Regular Meeting February 15, 2005 and Special Meeting February 23, 2005

Minutes of the above-referenced meetings were distributed to the Board of Commissioners with the Agenda for their review. Comm. Alcott noted that there was a correction to a name in the February 15 meeting minutes and that City Clerk Katie Schaller will make the correction. Motion was made by Alcott and seconded by Strow to approve said minutes with correction. 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 February 15, 2005, as amended, and special meeting of February 23, 2005 was approved by unanimous vote.

ORDINANCE NO. BG2005 - 5
(Second Reading)
ORDINANCE CLOSING A PUBLIC RIGHT-OF-WAY

ORDINANCE APPROVING THE CLOSING OF A 1.327 ACRE
PORTION OF A RIGHT-OF-WAY OF BRENNER STREET

Title and summary of Ordinance No. BG2005 - 5 was read by the City Clerk. Motion was made by Simpson 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: Alcott, Nash, Simpson, Strow and Walker
Voting Nay: None

Ordinance No. BG2005 - 5 was adopted by unanimous vote.

ORDINANCE NO. BG2005 - 6
(Second Reading)
ORDINANCE REZONING REAL ESTATE

ORDINANCE REZONING A TRACT OF LAND CONTAINING 7.75
ACRES FROM RM-4 (MULTI-FAMILY RESIDENTIAL) TO PUD
(PLANNED UNIT DEVELOPMENT) LOCATED ON PASCOE
BOULEVARD, WITH BINDING ELEMENTS, PRESENTLY OWNED
BY H & D RENTALS

Title and summary of Ordinance No. BG2005 - 6 was read by the City Clerk. Motion was made by Alcott and seconded by Nash 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 - 6 was adopted by unanimous vote.

ORDINANCE NO. BG2005 - 7
(Second Reading)
ORDINANCE REZONING REAL ESTATE

ORDINANCE REZONING A TRACT OF LAND CONTAINING
3.8064 ACRES FROM AG (AGRICULTURE) TO OP-C (OFFICE
PROFESSIONAL-COMMERCIAL) LOCATED ON CAVE MILL
ROAD, WITH BINDING ELEMENTS, PRESENTLY OWNED BY H
& D RENTALS AND MICHAEL MILLER

Title and summary of Ordinance No. BG2005 - 7 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 - 7 was adopted by unanimous vote.

MUNICIPAL ORDER NO. 2005 - 47

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

Summary of Municipal Order No. 2005 - 47 was read by the City Clerk. Comm. Alcott commented about the training sessions that he and Mayor Walker attended. 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 and Strow
 Voting Nay: None
 Voting Abstain: Walker

Municipal Order No. 2005 - 47 was approved by majority vote.

MUNICIPAL ORDER NO. 2005 - 48

MUNICIPAL ORDER APPOINTING MAYOR ELAINE N. WALKER, CHIEF FINANCIAL OFFICER DAVIS A. COOPER AND CITY CLERK KATIE E. SCHALLER AS DIRECTORS TO THE BOARD OF THE CITY OF BOWLING GREEN MUNICIPAL PROJECTS CORPORATION

Summary of Municipal Order No. 2005 - 48 was read by the City Clerk. Coates reviewed the use of a holding company to assist the City with financing debt for past projects. 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 - 48 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2005 - 49

MUNICIPAL ORDER APPOINTING MAYOR ELAINE N. WALKER, CHIEF FINANCIAL OFFICER DAVIS A. COOPER AND CITY CLERK KATIE E. SCHALLER AS DIRECTORS TO THE BOARD OF THE BOWLING GREEN PUBLIC PROPERTIES CORPORATION

Summary of Municipal Order No. 2005 - 49 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 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 - 49 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2005 - 50

MUNICIPAL ORDER APPROVING THE APPOINTMENT OF
JAMES B. (JIM) CUMMINGS TO THE BOWLING GREEN FIRE
DEPARTMENT BURN VICTIM BOARD OF ADVISORS

Summary of Municipal Order No. 2005 - 50 was read by the City Clerk. Fire Chief Gerry Brown recommended the appointment of Mr. Cummings and further reviewed the purpose of the Burn Victim Fund, which is made entirely of donations. 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 - 50 was approved by unanimous vote.

ORDINANCE NO. BG2005 - 8

(First 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 the City Clerk. Cemetery Administrative Manager Beverly Fleenor reviewed the requested changes to the Code of Ordinances. Motion was made by Simpson 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: Alcott, Nash, Simpson, Strow and Walker
 Voting Nay: None

First reading of Ordinance No. BG2005 - 8 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2005 - 51

MUNICIPAL ORDER APPROVING AN AMENDMENT TO
PROPERTY ACQUISITION AGREEMENT BETWEEN THE CITY
OF BOWLING GREEN AND LIFESKILLS, INC., DECLARING 707
EAST MAIN AVENUE AS SURPLUS PROPERTY AND
AUTHORIZING CONVEYANCE OF 707 EAST MAIN AVENUE TO
LIFESKILLS, INC.

Summary of Municipal Order No. 2005 - 51 was read by the City Clerk. David Broderick, attorney representing Lifeskills, stated that Lifeskills was in agreement to this action. He also mentioned the discussions he had with Mayor Walker regarding the negotiation of an amended agreement. Mr. Broderick responded to questions regarding a timeline for the new facility and clarification of the location being within the City limits. Board members stated that they appreciated the willingness of Lifeskills to be open to an alternative solution. 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. 2005 - 51 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2005 - 52

MUNICIPAL ORDER APPROVING AN AMENDED ELDERLY/DISABLED PROJECT AGREEMENT AMONG THE CITY OF BOWLING GREEN, HOUSING ASSISTANCE AND DEVELOPMENT SERVICES (HANDS), INC. AND MELCO DEVELOPMENT, LLC RELATED TO THE RENAISSANCE VILLAGE HOUSING PROJECT, RESCINDING MUNICIPAL ORDER NO. 2004-309 AUTHORIZING CONDEMNATION OF 223 CHESTNUT STREET RELATED TO THIS PROJECT, DECLARING LOT 49-1 OF THE NEW WEST TOWN SUBDIVISION SURPLUS PROPERTY AND AUTHORIZING CONVEYANCE OF THIS LOT TO HOUSING ASSISTANCE AND DEVELOPMENT SERVICES, INC. FOR CONSTRUCTION OF ELDERLY/DISABLED HOUSING

Summary of Municipal Order No. 2005 - 52 was read by the City Clerk. Burks reviewed the change to the project and the corresponding amended agreement. 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 - 52 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2005 - 53

MUNICIPAL ORDER AUTHORIZING THE SUBMISSION OF A GRANT APPLICATION TO THE U.S. DEPARTMENT OF JUSTICE, OFFICE OF JUSTICE PROGRAMS, BUREAU OF JUSTICE ASSISTANCE FOR EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT (JAG) FUNDS IN THE AMOUNT OF \$26,010

Summary of Municipal Order No. 2005 - 53 was read by the City Clerk. Police Chief Bill Waltrip reviewed the grant and the use of the funds to purchase in-car cameras. He responded to questions regarding the number of cameras currently in use and the number of cars in need of

cameras. 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 - 53 was approved by unanimous vote.

ANNOUNCEMENT

Mayor Walker announced that March 15, 2005 was the next scheduled meeting of the Board.

CLOSED SESSION

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

ADJOURNMENT

Once all discussion ended in closed session and there being no further business to come before the Board of Commissioners, at approximately 9:15 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) the Southwest Corridor, also known as the South West Parkway; (2) the Turner Court Realignment Project; (3) the Fourteenth Avenue Realignment Project; and (4) the Community Development Block Grant (CDBG) Program and the Five-Year Consolidated Plan.

ADOPTED: _____

APPROVED: _____
Mayor, Chairman of Board of Commissioners

ATTEST: _____
City Clerk

Minutes prepared by City Clerk Katie Schaller