

**MINUTES of REGULAR MEETING
of the BOARD of COMMISSIONERS
of the CITY of BOWLING GREEN, KENTUCKY
held OCTOBER 19, 2004**

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 October 19, 2004. Mayor Sandy Jones called the meeting to order. An invocation was given by Police Chaplain Mike Holian, and all present recited the Pledge of Allegiance. City Clerk Katie Schaller called the roll, and the following members were present: Commissioner Joe W. Denning, Commissioner Dan Hall, Commissioner Alan Palmer, Commissioner Jim Bullington and Mayor Sandy Jones. Absent: none. There was a full quorum of the Board of Commissioners.

PROCLAMATION

Mayor Jones announced that the month of October 2004 was proclaimed "Hire a Veteran Month" and she encouraged all businesses to provide employment opportunities to those who have served in the Armed Forces.

PUBLIC COMMENTS

Mayor Jones opened the floor for any public comments. Gayla Cissell, City of Oakland resident and opponent to the Kentucky Tri-Modal Transpark development, provided copies of a letter dated August 20, 2004 from Deputy General Counsel Elizabeth S. Merritt of the National Trust for Historic Preservation to Dave Harmon, Division of Environmental Analysis, Kentucky Transportation Cabinet regarding the proposed I-65 to US 31W Connector. Ms. Cissell also re-addressed concerns which she first raised at the May 18, 2004 Board of Commissioners meeting regarding the indemnity of Magna against unknown potential liabilities. She wanted the Board to be aware of her research on this matter.

REMOVAL OF ITEM FROM AGENDA

Mayor Jones stated that she was withdrawing from the agenda Item #8, Resolution No. 2004 – 3 expressing support of the Marriage Amendment to the Kentucky Constitution on the November 2, 2004 ballot, since the Commission wanted more time to review the issue prior to its consideration.

PRESENTATION

Jim Hizer, Bowling Green Area Chamber of Commerce President/CEO and Inter-Modal Transportation Authority (ITA) President, stated that economic development efforts have been combined under one umbrella as the Chamber and ITA are sharing in those responsibilities. Allen Heidel, ITA Operations Director, presented an update on the Kentucky Tri-Modal Transpark development. He showed a virtual video being used as a marketing tool which provided a glimpse into the proposed development, including infrastructure design and layout. Mr. Heidel also described the proposed design of the Technology School to be built for use by the businesses located at the Transpark, as well as for the general public. Mr. Hizer stated that although funding has been held up at the state level, they will proceed with construction of the Tech Center as planned. Mr. Heidel

mentioned that the ITA offices are now located at the Transpark site and an open house is being planned.

In response to a question by Jim Duffer of 516 Chestnut Street, Mr. Hizer stated that an airport is part of a long-term development plan for the Transpark, but that it was under the direction of the Bowling Green-Warren County Airport Manager Rob Barnett.

CITY MANAGER

City Manager Charles W. Coates requested the addition of a late-filed annexation ordinance to the agenda. Motion was made by Palmer and seconded by Hall to add Ordinance No. BG2004 - 53 to the agenda for consideration. With no discussion, Jones called for roll call vote.

ROLL CALL: Voting Yea: Denning, Hall, Palmer, Bullington and Jones
 Voting Nay: None

Motion to add Ordinance No. BG2004 - 53 to the agenda was approved by unanimous vote.

Coates provided a brief follow up on information regarding the LifeSkills matter as discussed at the last meeting of the Board. He indicated that most of the research was complete, but that some information was still being gathered.

In addition, Coates stated that he was withdrawing from the agenda Item #9, Municipal Order No. 2004 -251 authorizing an agreement with Richard Rector to perform certain duties for the City, and Item #11, Municipal Order No. 2004 -253 approving the promotion of Alice A. Burks to Housing and Community Development Director.

Finally, Coates requested a special meeting of the Board of Commissioners at 7:00 p.m. on Tuesday, November 9, 2004 for the purpose of a work session to discuss the involvement of State Historic Preservation with downtown redevelopment projects.

APPROVAL OF MINUTES

Minutes of Regular Meeting October 5, 2004

Minutes of the above-referenced meeting were distributed to the Board of Commissioners with the Agenda for their review. Motion was made by Palmer and seconded by Hall to approve said minutes as written. Mayor Jones asked for discussion, and with none, a roll call vote was taken.

ROLL CALL: Voting Yea: Denning, Hall, Palmer, Bullington and Jones
 Voting Nay: None

Motion to approve the minutes of the regular meeting of October 5, 2004 was approved by unanimous vote.

ORDINANCE NO. BG2004 - 49 (First Reading) ORDINANCE REZONING REAL ESTATE

ORDINANCE REZONING A TRACT OF LAND CONTAINING
3.714 ACRES FROM RM-3 (MULTI-FAMILY RESIDENTIAL) TO
RM-4 (MULTI-FAMILY RESIDENTIAL) LOCATED AT 1114

**BROCKLEY WAY, PRESENTLY OWNED BY NEW MILLENNIUM
REAL ESTATE, LLC**

Title and summary of Ordinance No. BG2004 - 49 was read by City Clerk Katie Schaller. City/County Planning Commission Director Andy Gillies reviewed the rezoning and associated binding elements for an existing apartment complex to add an additional 10-unit building. Motion was made by Denning and seconded by Bullington for first reading of said Ordinance. Mayor Jones asked for additional discussion, and with none, a roll call vote was taken.

ROLL CALL: Voting Yea: Denning, Hall, Palmer, Bullington and Jones
 Voting Nay: None

First reading of Ordinance No. BG2004 - 49 was approved by unanimous vote.

**ORDINANCE NO. BG2004 - 50
(First Reading)
ORDINANCE REZONING REAL ESTATE**

**ORDINANCE REZONING SIX TRACTS OF LAND CONTAINING
20.239 ACRES FROM HI (HEAVY INDUSTRY) TO HB (HIGHWAY
BUSINESS) LOCATED ON US 31-W (LOUISVILLE ROAD),
SCOTTY'S WAY AND BRENNER STREET, WITH BINDING
ELEMENTS, PRESENTLY OWNED BY SCOTTY'S
DEVELOPMENT COMPANY, LLC**

Title and summary of Ordinance No. BG2004 - 50 was read by the City Clerk. Gillies reviewed the rezoning and binding elements for a proposed shopping center. Motion was made by Palmer and seconded by Hall for first reading of said Ordinance. Mayor Jones asked for additional discussion, and with none, a roll call vote was taken.

ROLL CALL: Voting Yea: Denning, Hall, Palmer, Bullington and Jones
 Voting Nay: None

First reading of Ordinance No. BG2004 - 50 was approved by unanimous vote. Following the vote, there were comments from Jim Duffer and response by Comm. Denning regarding the efforts of Mr. Scott.

**ORDINANCE NO. BG2004 - 51
(First Reading)
ORDINANCE REZONING REAL ESTATE**

**ORDINANCE REZONING A TRACT OF LAND CONTAINING 4.96
ACRES FROM LI (LIGHT INDUSTRY) TO HI (HEAVY INDUSTRY)
LOCATED ON TOBACCO ROAD, WITH BINDING ELEMENTS,
PRESENTLY OWNED BY GREG AND JOE ANN GARY**

Title and summary of Ordinance No. BG2004 - 51 was read by the City Clerk. Gillies reviewed the rezoning and binding elements for a wrecker service. Gillies responded to questions regarding the limit of vehicles to be sold, but not stored, and the fencing height. Motion was made by Hall and seconded by Denning for first reading of said Ordinance. Mayor Jones asked for additional discussion, and with none, a roll call vote was taken.

ROLL CALL: Voting Yea: Denning, Hall, Palmer, Bullington and Jones
 Voting Nay: None
First reading of Ordinance No. BG2004 - 51 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2004 - 249

MUNICIPAL ORDER APPROVING THE 2004 REVISED EMERGENCY OPERATIONS PLAN AND AUTHORIZING THE MAYOR TO EXECUTE ALL NECESSARY DOCUMENTS TO CARRY OUT THIS APPROVAL

Summary of Municipal Order No. 2004 - 249 was read by the City Clerk. Coates stated this was part of the annual requirement for review and approval. Motion was made by Palmer and seconded by Bullington for consideration of said Municipal Order. Mayor Jones asked for additional discussion, and with none, a roll call vote was taken.

ROLL CALL: Voting Yea: Denning, Hall, Palmer, Bullington and Jones
 Voting Nay: None
Municipal Order No. 2004 - 249 was approved by unanimous vote.

ORDINANCE NO. BG2004 - 52

(First Reading)

ORDINANCE AMENDING CODE OF ORDINANCES

ORDINANCE AMENDING CHAPTER 2 (ADMINISTRATION) OF THE CITY OF BOWLING GREEN CODE OF ORDINANCES RELATING TO THE CITY SEAL

Title and summary of Ordinance No. BG2004 - 52 was read by the City Clerk. Public Information Specialist Laura Harris reviewed the proposed changes to set graphic standards and to keep the integrity of the City Seal intact. In response to questions, Internet Specialist Josh Foster stated that this was the first step in establishing the Seal as a protected trademark. Motion was made by Palmer and seconded by Hall for first reading of said Ordinance. Mayor Jones asked for additional discussion, and with none, a roll call vote was taken.

ROLL CALL: Voting Yea: Denning, Hall, Palmer, Bullington and Jones
 Voting Nay: None
First reading of Ordinance No. BG2004 - 52 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2004 - 250

MUNICIPAL ORDER APPROVING SCHEDULE OF FAIR MARKET VALUE FOR PROPERTY TO BE ACQUIRED FOR AN ELDERLY HOUSING PROJECT IN THE HISTORIC DOWNTOWN BOWLING GREEN REDEVELOPMENT AREA AND AUTHORIZING THE ACQUISITION OF THE PROPERTY AT THE ESTABLISHED VALUE

Summary of Municipal Order No. 2004 - 250 was read by the City Clerk. Assistant to the HCD Director—Special Projects Alice Burks stated that with the value for three parcels determined for the first phase of development, property acquisition could begin. Burks responded to questions regarding property owner relocation terms, further approval before eminent domain permitted, when a purchase price becomes public, consideration of property owners' rights by not releasing fair market value amounts and ability to have design review before construction. Coates commented about the proposed relocation of the Little Treasures Day Care on Third Avenue to the Parks and Recreation Community Center as part of its renovation and expansion. Motion was made by Bullington and seconded by Hall for consideration of said Municipal Order. Mayor Jones asked for additional discussion, and with none, a roll call vote was taken.

ROLL CALL: Voting Yea: Denning, Hall, Palmer, Bullington and Jones
 Voting Nay: None

Municipal Order No. 2004 - 250 was approved by unanimous vote.

NOTE: Resolution No. 2004 - 3 and Municipal Order No. 2004 - 251 were previously withdrawn from the agenda.

MUNICIPAL ORDER NO. 2004 - 252

MUNICIPAL ORDER APPROVING THE PROBATIONARY APPOINTMENTS OF LEE HOWARD HATCHER, II AND KENNETH MICHAEL HARVEY, II TO THE POSITION OF FIREFIGHTER FOR THE FIRE DEPARTMENT

Summary of Municipal Order No. 2004 - 252 was read by the City Clerk. Human Resources Director Michele Tolbert stated that with recent resignations, two additional appointments are recommended from the eligibility list. Tolbert reviewed the qualifications of each recommended applicant. Motion was made by Palmer and seconded by Denning for consideration of said Municipal Order. Mayor Jones asked for additional discussion, and with none, a roll call vote was taken.

ROLL CALL: Voting Yea: Denning, Hall, Palmer, Bullington and Jones
 Voting Nay: None

Municipal Order No. 2004 - 252 was approved by unanimous vote. Following the vote, Fire Chief Gerry Brown responded to a question regarding the number of sworn and non-sworn personnel in the Fire Department.

NOTE: Municipal Order No. 2004 - 253 was previously withdrawn from the agenda.

MUNICIPAL ORDER NO. 2004 - 254

MUNICIPAL ORDER AUTHORIZING A CONTRACT THROUGH NONCOMPETITIVE NEGOTIATIONS WITH DAILY NEWS OF BOWLING GREEN, KENTUCKY FOR ADVERTISING BY CITY DEPARTMENTS IN THE APPROXIMATE AMOUNT OF \$30,000

Summary of Municipal Order No. 2004 - 254 was read by the City Clerk. Coates stated that this was an idea from staff to combine advertising services under one contract for all departments and to provide savings and efficiencies for the City. Motion was made by Hall and seconded by Denning

for consideration of said Municipal Order. Mayor Jones asked for additional discussion, and with none, a roll call vote was taken.

ROLL CALL: Voting Yea: Denning, Hall, Bullington and Jones
 Voting Nay: None
 Voting Abstain: Palmer

Municipal Order No. 2004 - 254 was approved by majority vote. Comm. Palmer abstained since he is a part-time employee of the Daily News.

MUNICIPAL ORDER NO. 2004 – 255

MUNICIPAL ORDER AUTHORIZING AND ACCEPTING BIDS FROM VARIOUS VENDORS FOR UNIFORMS FOR THE POLICE DEPARTMENT FOR A TOTAL UNIT COST OF \$8,870.43, BID #2005-02

Summary of Municipal Order No. 2004 - 255 was read by the City Clerk. Police Major Doug Hawkins reviewed the bids and evaluation process. Motion was made by Denning and seconded by Bullington for consideration of said Municipal Order. Mayor Jones asked for additional discussion, and with none, a roll call vote was taken.

ROLL CALL: Voting Yea: Denning, Hall, Palmer, Bullington and Jones
 Voting Nay: None

Municipal Order No. 2004 - 255 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2004 – 256

MUNICIPAL ORDER AUTHORIZING AND ACCEPTING BID #2005-15 FOR EMERGENCY EQUIPMENT FOR POLICE VEHICLES FROM TRUCKERS LIGHTHOUSE OF NASHVILLE, TENNESSEE IN THE AMOUNT OF \$36,406.70

Summary of Municipal Order No. 2004 - 256 was read by the City Clerk. Public Works Director Emmett Wood stated that this was equipment for new police vehicles. Motion was made by Denning and seconded by Hall for consideration of said Municipal Order. Mayor Jones asked for additional discussion, and with none, a roll call vote was taken.

ROLL CALL: Voting Yea: Denning, Hall, Palmer, Bullington and Jones
 Voting Nay: None

Municipal Order No. 2004 - 256 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2004 – 257

MUNICIPAL ORDER APPROVING AND AUTHORIZING REIMBURSEMENT OF OUT-OF-TOWN TRAVEL EXPENSES TO AUSTIN, TEXAS FOR CITY MANAGER CHARLES W. COATES

Summary of Municipal Order No. 2004 - 257 was read by the City Clerk. Motion was made by Bullington and seconded by Palmer for consideration of said Municipal Order. Mayor Jones asked for discussion, and with none, a roll call vote was taken.

ROLL CALL: Voting Yea: Denning, Hall, Palmer, Bullington and Jones
 Voting Nay: None
Municipal Order No. 2004 - 257 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2004 – 258

MUNICIPAL ORDER AUTHORIZING AND ACCEPTING BID
#2005-14 FOR VEHICLES FROM VARIOUS VENDORS IN THE
TOTAL AMOUNT OF \$889,111

Summary of Municipal Order No. 2004 - 258 was read by the City Clerk. Wood stated that the bids received provided a savings of approximately \$30,000 from the anticipated pricing. He then described the vehicle replacement program and rotation schedule. Motion was made by Denning and seconded by Hall for consideration of said Municipal Order. Mayor Jones asked for additional discussion, and with none, a roll call vote was taken.

ROLL CALL: Voting Yea: Denning, Hall, Palmer, Bullington and Jones
 Voting Nay: None

Municipal Order No. 2004 - 258 was approved by unanimous vote. Following the vote, there was discussion regarding the sale at auction of vehicles being replaced.

ORDINANCE NO. BG2004 – 53

(First Reading)

ORDINANCE ANNEXING PROPERTY BY CONSENT

ORDINANCE ANNEXING 28.31 ACRES OF PROPERTY LOCATED
ON GLASGOW ROAD (US 68/KY 80), WITH PROPERTY
PRESENTLY OWNED BY GENEVA CRABTREE AND INTER-
MODAL TRANSPORTATION AUTHORITY, INC., AND SAID
TERRITORY BEING CONTIGUOUS TO EXISTING CITY LIMITS

Title and summary of Ordinance No. BG2004 - 53 was read by the City Clerk. Mayor Jones stated that this was a voluntary annexation. Motion was made by Hall and seconded by Palmer for first reading of said Ordinance. Mayor Jones asked for additional discussion, and with none, a roll call vote was taken.

ROLL CALL: Voting Yea: Denning, Hall, Palmer, Bullington and Jones
 Voting Nay: None

First reading of Ordinance No. BG2004 - 53 was approved by unanimous vote.

ADJOURNMENT

Mayor Jones announced that November 16, 2004 was the next regular scheduled meeting of the Board and that a special work session would be held on November 9, 2004 as previously discussed. There being no further business to come before the Board of Commissioners, at approximately 8:20 p.m., Mayor Jones declared this meeting adjourned.

(Minutes-Board of Commissioners-October 19, 2004)

ADOPTED: _____

APPROVED: _____
Mayor, Chairman of Board of Commissioners

ATTEST: _____
City Clerk

Minutes prepared by City Clerk Katie Schaller