

**MINUTES of REGULAR MEETING
of the BOARD of COMMISSIONERS
of the CITY of BOWLING GREEN, KENTUCKY
held DECEMBER 16, 2003**

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 December 16, 2003. Mayor Sandy Jones called the meeting to order. An invocation was given by Rev. Howard Surface, 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 and Mayor Sandy Jones. Absent: Commissioner Jim Bullington. There was a quorum of the Board of Commissioners.

PRESENTATION OF MONTHLY OPERATION P.R.I.D.E. AWARDS

Operation P.R.I.D.E. Interim Director Catherine Thomas announced English, Lucas, Priest and Owsley Law Firm as the recipient that made significant improvements to commercial property in Bowling Green for the month of December 2003. Managing Partner Regina Jackson accepted the award and described the changes made to the parking lot located at 1116 and 1126 College Street.

RECOGNITION/ANNOUNCEMENT

Mayor Jones recognized Keith O'Neal and Jamie Smith of Cosma International Group, a division of a major Canadian auto parts manufacturer, Magna International, which is locating in the Kentucky TriModal Transpark as its first occupant, and presented them with a key to the City. Mayor Jones also recognized Inter-Modal Transportation Authority (ITA) Director Jim Vance.

PUBLIC HEARING

Assistant to the HCD Director—Special Projects Alice Burks conducted a public hearing to review the findings and recommendations in the Community Development Block Grant—Entitlement Consolidated Plan and to obtain public comment regarding the Consolidated Plan. Ms. Burks reviewed the process undertaken to prepare the plan and the procedures for submittal of the plan to Housing and Urban Development (HUD). Ms. Burks responded to questions regarding the location of plan copies, the location of proposed elderly housing near the Shake Rag District, the internal oversight of fair housing issues and the definition of affordable housing.

Debbie Fugate, a Bowling Green resident and property manager on Barren River Road, expressed concerns regarding the need for elderly housing and inquired about the number of handicapped accessible housing units, as well as type of buildings.

Judy Jewell and Dale Eichelberger of the Housing Authority requested financial assistance with respect to projects of the Housing Authority—training for multicultural policing and stormwater runoff for new development—which were previously denied as part of the Consolidated Plan. Ms. Burks clarified the denial and the anticipation of other CDBG grant funding results.

Geraldene Banks, a Bowling Green resident and member of the New Era Planning Committee, requested clarification on the location of the proposed elderly housing development adjacent to the

Shake Rag District. Ms. Burks indicated it would be located in the 200 block of State and Chestnut streets.

PUBLIC COMMENTS

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

CITY MANAGER

City Manager Charles W. Coates requested a special meeting of the Board to consider a recommendation for acceptance of a bid regarding renovation of the City Hall Annex, with the bid opening scheduled for December 17, 2003. The Board agreed to meet at 8:30 a.m. on Friday, December 19, 2003.

APPROVAL OF MINUTES

Minutes of Regular Meeting December 2, 2003 and Special Meetings December 8 and 9, 2003

Minutes of the above-referenced meetings 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 and Jones
 Voting Nay: None

Motion to approve the minutes of the regular meeting of December 2, 2003 and special meetings of December 8 and 9, 2003 was approved by unanimous vote.

ORDINANCE NO. BG2003 – 64

(Second Reading)

ORDINANCE REZONING REAL ESTATE

ORDINANCE REZONING A TRACT OF LAND CONTAINING 0.25 ACRE FROM RS-1A (SINGLE FAMILY RESIDENTIAL) TO GB (GENERAL BUSINESS) LOCATED AT 1308 SCOTTSVILLE ROAD, WITH BINDING ELEMENTS, PRESENTLY OWNED BY AMERICAN BANK & TRUST COMPANY, INC.

Title and summary of Ordinance No. BG2003 - 64 was read by City Clerk Katie Schaller. Motion was made by Hall and seconded by Denning for second reading of said Ordinance. Mayor Jones asked for discussion, and with none, a roll call vote was taken.

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

Ordinance No. BG2003 - 64 was adopted by unanimous vote.

ORDINANCE NO. BG2003 – 65

(Second Reading)

ORDINANCE AMENDING CODE OF ORDINANCES

ORDINANCE AMENDING CHAPTER 12 (FIRE PREVENTION) OF THE CITY OF BOWLING GREEN CODE OF ORDINANCES TO

CREATE A NEW SUBCHAPTER ESTABLISHING THE BOWLING
GREEN FIRE DEPARTMENT BURN VICTIM FUND

Title and summary of Ordinance No. BG2003 - 65 was read by the City Clerk. Motion was made by Denning and seconded by Palmer for second reading of said Ordinance. Mayor Jones asked for discussion, and with none, a roll call vote was taken.

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

Ordinance No. BG2003 - 65 was adopted by unanimous vote.

MUNICIPAL ORDER NO. 2003 – 280

MUNICIPAL ORDER AUTHORIZING AND ORDERING
CONDEMNATION OF PROPERTY BELONGING TO ROBIN Y.
PROCTOR LOCATED AT 508 WEST MAIN AVENUE, WITH THIS
PROPERTY BEING NECESSARY FOR THE ST. JOSEPH SCHOOL
AREA REVITALIZATION PROJECT

Summary of Municipal Order No. 2003 - 280 was read by the City Clerk. Mayor Jones indicated that this item was discussed at a previous meeting of the Board. 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 and Jones
 Voting Nay: None

Municipal Order No. 2003 - 280 was approved by unanimous vote.

ORDINANCE NO. BG2003 – 67

(First Reading)

ORDINANCE AMENDING CODE OF ORDINANCES

ORDINANCE AMENDING CHAPTER 21 (STREETS AND
SIDEWALKS) OF THE CITY OF BOWLING GREEN CODE OF
ORDINANCES TO MAKE CHANGES RELATED TO CODE
ENFORCEMENT

Title and summary of Ordinance No. BG2003 - 67 was read by the City Clerk. Public Works Director Emmett Wood indicated that with recent changes in code enforcement, sections of Chapter 21 were relocated to Chapter 27. City Attorney Gene Harmon clarified that penalties changed from criminal to civil. 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 and Jones
 Voting Nay: None

First reading of Ordinance No. BG2003 - 67 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2003 – 281

MUNICIPAL ORDER APPROVING AND AUTHORIZING
REIMBURSEMENT OF OUT-OF-TOWN TRAVEL EXPENSES TO

LOUISVILLE, KENTUCKY FOR CITY MANAGER CHARLES W.
COATES

Summary of Municipal Order No. 2003 - 281 was read by the City Clerk. Motion was made by Denning 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 and Jones
 Voting Nay: None

Municipal Order No. 2003 - 281 was approved by unanimous vote.

ORDINANCE NO. BG2003 – 68

(First Reading)

ORDINANCE REZONING REAL ESTATE

ORDINANCE REZONING A TRACT OF LAND CONTAINING 12.959 ACRES FROM AG (AGRICULTURE) AND HB (HIGHWAY BUSINESS) TO HB (HIGHWAY BUSINESS) LOCATED AT 1950 AND 1960 SCOTTSVILLE ROAD, WITH BINDING ELEMENTS, PRESENTLY OWNED BY KEITH & KEITH ENTERPRISES, LLC

Title and summary of Ordinance No. BG2003 - 68 was read by the City Clerk. Planning Commission Director Andy Gillies reviewed the property layout and recommended rezoning with binding elements. Gillies responded to questions regarding street access, types of businesses permitted under rezoning and landscape buffering to reduce noise from a new development. 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 and Jones
 Voting Nay: None

First reading of Ordinance No. BG2003 - 68 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2003 – 282

MUNICIPAL ORDER EXPRESSING THE DESIRE AND INTENT OF THE CITY OF BOWLING GREEN, KENTUCKY TO WORK WITH TRINITY HOUSING PARTNERS RELATED TO THE LEE SQUARE RESIDENTIAL DEVELOPMENT

Summary of Municipal Order No. 2003 - 282 was read by the City Clerk. Burks indicated that with the anticipation of grant funds, paperwork could begin on the project for the single-family housing development. Burks responded to questions regarding Trinity Housing Partners and use of local builders on the project. She noted that a formal contract would be presented for approval at a later date. Motion was made by Palmer 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 and Jones
 Voting Nay: None

Municipal Order No. 2003 - 282 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2003 – 283

MUNICIPAL ORDER EXPRESSING THE DESIRE AND INTENT OF THE CITY OF BOWLING GREEN, KENTUCKY TO WORK WITH WABUCK DEVELOPMENT COMPANY/MELCO DEVELOPMENT LLC RELATED TO AN ELDERLY HOUSING PROJECT

Summary of Municipal Order No. 2003 - 283 was read by the City Clerk. Burks reviewed the experience of the recommended developer and indicated that work could begin on the elderly housing project. Motion was made by Hall and seconded by Palmer 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 and Jones
 Voting Nay: None

Municipal Order No. 2003 - 283 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2003 – 284

MUNICIPAL ORDER AUTHORIZING AND ACCEPTING BID #2004-13 FOR CELLULAR TELEPHONES AND SERVICE FROM BLUEGRASS CELLULAR, INC. OF BOWLING GREEN, KENTUCKY, AND NEXTEL PARTNERS/WORLD WIDE WIRELESS OF FRANKLIN, TENNESSEE FOR A TOTAL AMOUNT OF \$36,897.96

Summary of Municipal Order No. 2003 - 284 was read by the City Clerk. Coates indicated this was a new contract for continued cellular service and the addition of new services for the Police Department. Chief Financial Officer Davis Cooper noted that the Police Department received funds for new cellular phones through Homeland Security. Police Chief Bill Waltrip responded to questions regarding use of cellular phones by Police Officers. 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 and Jones
 Voting Nay: None

Municipal Order No. 2003 - 284 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2003 – 285

MUNICIPAL ORDER APPROVING A PROPOSAL FROM TACHAU MADDOX HOVIOUS & DICKENS, PLC FOR LEGAL SERVICES TO THE CITY OF BOWLING GREEN AS INDEPENDENT COUNSEL RELATED TO INVESTIGATION OF THE CONVENTION CENTER

Summary of Municipal Order No. 2003 – 285 was read by the City Clerk. Coates stated that as directed by the Board, he located independent counsel to conduct an investigation and provide a recommendation regarding the Convention Center. Coates stated a tolling agreement between Wyatt Tarrant & Combs and the City has been agreed to regarding a potential statute of limitations. Attorney R. Gregg Hovious addressed the Board and responded to questions regarding his experience and background, and the process for the investigation and final report to be presented at a public meeting. 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 and Jones

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Voting Nay: None
Municipal Order No. 2003 - 285 was approved by unanimous vote.

ADJOURNMENT

Mayor Jones announced that the Board would meet next for a special meeting on December 19, 2003 and that January 6, 2004 was the next regularly scheduled meeting of the Board. There being no further business to come before the Board of Commissioners, at approximately 8:20 p.m., Mayor Jones declared this meeting adjourned.

ADOPTED: _____

APPROVED: _____
Mayor, Chairman of Board of Commissioners

ATTEST: _____
City Clerk

Minutes prepared by City Clerk Katie Schaller