

**MINUTES of REGULAR MEETING
of the BOARD of COMMISSIONERS
of the CITY of BOWLING GREEN, KENTUCKY
held DECEMBER 2, 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 2, 2003. Mayor Sandy Jones called the meeting to order. Prior to an invocation given by Pastor Don Blackmore of Living Hope Baptist Church, there was a moment of silence for former Mayor Spero Kereiakes who recently passed away. Following the invocation, all present recited the Pledge of Allegiance. City Clerk Katie Schaller called the roll, and the following members were present: Commissioner Jim Bullington, Commissioner Joe W. Denning, Commissioner Dan Hall, Commissioner Alan Palmer and Mayor Sandy Jones. Absent: none. There was a full quorum of the Board of Commissioners.

RECOGNITION/ANNOUNCEMENT

Mayor Jones recognized visiting students from a Western Kentucky University Journalism Class and from Greenwood High School. Mayor Jones announced that the Board of Commissioners will present a key to the city appreciation plaque to honor John Q. Hammons who was recently named the *2003 Corporate Hotelier of the World*.

PROCLAMATION

Mayor Jones read a proclamation declaring December 1, 2003 as *T.C. Cherry Elementary No Child Left Behind Blue Ribbon School Day* and requested that all citizens acknowledge the hard work and commitment shown by the school's faculty, staff, parents and students.

PUBLIC COMMENTS

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

CITY MANAGER

City Manager Charles W. Coates requested the addition of a late-filed ordinance regarding the refinancing of bonds for The Convention Center Corporation. Motion was made by Palmer and seconded by Hall to add Ordinance No. BG2003-66 to the agenda for consideration. Jones called for a roll call vote.

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

Motion to add Ordinance No. BG2003-66 to the agenda was approved by unanimous vote.

Coates reminded the Board to mark their calendars for the Strategic Goal Planning Session scheduled for January 13, 2004.

Coates also requested a closed session for the purpose of discussion of proposed or pending litigation against or on behalf of the City and for discussion 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. Motion was made by Denning and seconded by Hall to convene in closed session following the regular meeting pursuant to KRS 61.810 (c) and (f). Jones called for a roll call vote.

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

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

PRESENTATION

Operation P.R.I.D.E. Interim Director Catherine Thomas presented the agency's accomplishments and achievements over the past year. She reviewed the reconfiguration of the Board of Directors, the relocation of offices, various projects underway and plans for the coming year.

APPROVAL OF MINUTES

Minutes of Regular Meeting November 18, 2003

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

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

Motion to approve the minutes of the regular meeting of November 18, 2003 was approved by unanimous vote.

ORDINANCE NO. BG2003 – 59

(Second Reading)

ORDINANCE REZONING REAL ESTATE

ORDINANCE REZONING A TRACT OF LAND CONTAINING 1.87 ACRES FROM RM-4 (MULTI FAMILY RESIDENTIAL) TO OP-C (OFFICE PROFESSIONAL-COMMERCIAL) LOCATED ON THE SOUTHWEST SIDE OF CHURCH AVENUE, PRESENTLY OWNED BY HOUCHENS WAREHOUSING, INC.

Title and summary of Ordinance No. BG2003 - 59 was read by City Clerk Katie Schaller. Motion was made by Denning and seconded by Hall for second reading of said Ordinance. Mayor Jones asked for discussion, and with none, a roll call vote was taken.

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

Ordinance No. BG2003 - 59 was adopted by unanimous vote.

ORDINANCE NO. BG2003 – 60

(Second Reading)

ORDINANCE REZONING REAL ESTATE

ORDINANCE REZONING A TRACT OF LAND CONTAINING 0.24 ACRE FROM RM-3 (MULTIFAMILY RESIDENTIAL) TO GB (GENERAL BUSINESS) LOCATED AT 1210 MAGNOLIA STREET, WITH BINDING ELEMENTS, PRESENTLY OWNED BY JAMES AND LEEANN BROWN, WITH VIRGINIA BROWNING AS CONTRACT VENDEE

Title and summary of Ordinance No. BG2003 - 60 was read by the City Clerk. Motion was made by Palmer and seconded by Hall for second reading of said Ordinance. Mayor Jones asked for discussion, and with none, a roll call vote was taken.

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

Ordinance No. BG2003 - 60 was adopted by unanimous vote.

ORDINANCE NO. BG2003 - 61

(Second Reading)

ORDINANCE AMENDING CODE OF ORDINANCES

ORDINANCE AMENDING CHAPTER 2 (ADMINISTRATION) AND
CHAPTER 27 (PROPERTY CODE) OF THE CITY OF BOWLING
GREEN CODE OF ORDINANCES TO MAKE ADMINISTRATIVE
CHANGES IN THE CODE ENFORCEMENT PROGRAM AND
CLASSIFYING ADDITIONAL VIOLATIONS AS CIVIL
VIOLATIONS

Title and summary of Ordinance No. BG2003 - 61 was read by the City Clerk. Mayor Jones remarked of the amendments' January 1, 2004 effective date. 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: Bullington, Denning, Hall, Palmer and Jones
 Voting Nay: None

Ordinance No. BG2003 - 61 was adopted by unanimous vote.

ORDINANCE NO. BG2003 - 62

(Second Reading)

ORDINANCE AMENDING ZONING ORDINANCE

ORDINANCE AMENDING ARTICLES 1, 2, 3 AND 4 OF THE
ZONING ORDINANCE FOR THE CITY OF BOWLING GREEN,
KENTUCKY AS RECOMMENDED BY THE CITY-COUNTY
PLANNING COMMISSION

Title and summary of Ordinance No. BG2003 - 62 was read by the City Clerk. Motion was made by Hall and seconded by Bullington for second reading of said Ordinance. Mayor Jones asked for discussion, and with none, a roll call vote was taken.

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

Ordinance No. BG2003 - 62 was adopted by unanimous vote.

ORDINANCE NO. BG2003 - 63

(Second Reading)

ORDINANCE REZONING REAL ESTATE

ORDINANCE REZONING A TRACT OF LAND CONTAINING 1.04
ACRES FROM RS-1A (SINGLE FAMILY RESIDENTIAL) TO OP-R

(OFFICE PROFESSIONAL-RESIDENTIAL) LOCATED AT 2151
NASHVILLE ROAD, WITH BINDING ELEMENTS, PRESENTLY
OWNED BY CYNTHIA SCHOTT

Title and summary of Ordinance No. BG2003 - 63 was read by the City Clerk. Motion was made by Denning and seconded by Bullington for second reading of said Ordinance. Mayor Jones asked for discussion, and with none, a roll call vote was taken.

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

Ordinance No. BG2003 - 63 was adopted by unanimous vote.

MUNICIPAL ORDER NO. 2003 – 267

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

Summary of Municipal Order No. 2003 - 267 was read by the City Clerk. 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: Bullington, Denning, Hall, Palmer and Jones
Voting Nay: None

Municipal Order No. 2003 - 267 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2003 – 268

MUNICIPAL ORDER AUTHORIZING DONATION OF SURPLUS
COMPUTER EQUIPMENT TO THE HISPANIC RESOURCE CENTER

Summary of Municipal Order No. 2003 - 268 was read by the City Clerk. Coates indicated this was a request for five computers and monitors which have been declared surplus. In addition, Coates noted that surplus computers and monitors will also be given to the Parker Bennett Community Center and F.O. Moxley Community Center. Motion was made by Denning 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: Bullington, Denning, Hall, Palmer and Jones
Voting Nay: None

Municipal Order No. 2003 - 268 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2003 – 269

MUNICIPAL ORDER AUTHORIZING A TAX-EXEMPT NOTE IN
THE AMOUNT OF \$252,000 WITH NATIONAL CITY BANK IN
ORDER TO PROVIDE FINANCING FOR THE REIMBURSEMENT
OF FUNDS USED TO PURCHASE COMPUTERS AND MONITORS

Summary of Municipal Order No. 2003 - 269 was read by the City Clerk. Coates stated that the financing would be for three years at 2.35 percent interest. 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: Bullington, Denning, Hall, Palmer and Jones
 Voting Nay: None

Municipal Order No. 2003 - 269 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2003 – 270

MUNICIPAL ORDER AUTHORIZING A TAX-EXEMPT NOTE IN THE AMOUNT OF \$713,000 WITH NATIONAL CITY BANK IN ORDER TO PROVIDE FINANCING FOR THE REIMBURSEMENT OF FUNDS USED TO PURCHASE THE FIRE LADDER APPARATUS TRUCK

Summary of Municipal Order No. 2003 - 270 was read by the City Clerk. Coates stated the ten-year note at 2.33 percent was the lowest quotation received and will be financed through the Fire Improvement Fund. 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: Bullington, Denning, Hall, Palmer and Jones
 Voting Nay: None

Municipal Order No. 2003 - 270 was approved by unanimous vote.

ORDINANCE NO. BG2003 – 64

(First 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 the City Clerk. Planning Commission Senior Planner Steve Hunter described the rezoning, including the binding elements, to revise parking and expand the building for the Bank. Motion was made by Bullington 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: Bullington, Denning, Hall, Palmer and Jones
 Voting Nay: None

First reading of Ordinance No. BG2003 - 64 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2003 – 271

MUNICIPAL ORDER AMENDING THE MASTER POLICE OFFICER / ADVANCED POLICE OFFICER PLAN FOR THE POLICE DEPARTMENT AND THE FIREFIGHTER II CERTIFICATION PROGRAM FOR THE FIRE DEPARTMENT

Summary of Municipal Order No. 2003 - 271 was read by the City Clerk. Human Resources Director Michele Tolbert indicated that the amendments are a result of the recently adopted Classification Pay/Plan Study, which provides for approval by the City Manager versus the Board of Commissioners for position assignments. 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: Bullington, Denning, Hall, Palmer and Jones
 Voting Nay: None

Municipal Order No. 2003 - 271 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2003 – 272

MUNICIPAL ORDER APPROVING THE PROMOTION OF MELISSA A. CHRISTERSON TO THE POSITION OF CODE ENFORCEMENT INSPECTOR IN THE HOUSING AND COMMUNITY DEVELOPMENT DEPARTMENT

Summary of Municipal Order No. 2003 - 272 was read by the City Clerk. Tolbert reviewed the new position and qualifications for promotion. Motion was made by Bullington 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: Bullington, Denning, Hall, Palmer and Jones
 Voting Nay: None

Municipal Order No. 2003 - 272 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2003 – 273

MUNICIPAL ORDER APPROVING THE PROBATIONARY APPOINTMENT OF ELVIRA R. RAMIC TO THE POSITION OF HOUSING PROGRAM ASSOCIATE FOR THE HOUSING AND COMMUNITY DEVELOPMENT DEPARTMENT

Summary of Municipal Order No. 2003 - 273 was read by the City Clerk. Tolbert reviewed the position and the applicant's qualifications for appointment. Motion was made by Denning 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: Bullington, Denning, Hall, Palmer and Jones
 Voting Nay: None

Municipal Order No. 2003 - 273 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2003 – 274

MUNICIPAL ORDER AUTHORIZING THE PURCHASE OF APPROXIMATELY 19.5 ACRES OF PROPERTY FROM FRIENDS OF LOST RIVER, INC. FOR GREENWAY PURPOSES

Summary of Municipal Order No. 2003 - 274 was read by the City Clerk. Comm. Bullington indicated that this purchase will be funded by a federal appropriation and that the property is planned to be developed as a greenways trail head. Comm. Bullington also noted that there were no matching

funds required. 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: Bullington, Denning, Hall, Palmer and Jones
 Voting Nay: None

Municipal Order No. 2003 - 274 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2003 – 275

MUNICIPAL ORDER APPROVING THE SALE OF 316 EAST TENTH AVENUE, ALSO KNOWN AS THE PAXTON HOUSE, TO KEVIN GOFF FOR THE AMOUNT OF \$85,000, PLUS A BUYER'S PREMIUM

Summary of Municipal Order No. 2003 - 275 was read by the City Clerk. Coates gave the history of the Paxton House and its use by the City. He stated that tax benefits could be available for private redevelopment of this property, with the proceeds from its sale to be used to renovate a portion of the City Hall Annex. Coates also stated that a 99-year agreement would be provided for the lease of three parking spaces. 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: Bullington, Denning, Hall, Palmer and Jones
 Voting Nay: None

Municipal Order No. 2003 - 275 was approved by unanimous vote.

ORDINANCE NO. BG2003 – 65

(First 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. Fire Chief Gerry Brown described the purpose of establishing a way to extend a helping hand to assist burn victims in a time of need. He noted that the fund will be comprised of charitable donations received and managed by the Finance Department. Chief Brown responded to questions regarding the creation of an advisory board composed of employees and citizens to oversee the fund. Motion was made by Denning 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: Bullington, Denning, Hall, Palmer and Jones
 Voting Nay: None

First reading of Ordinance No. BG2003 - 65 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2003 – 276

MUNICIPAL ORDER AUTHORIZING A CONTRACT THROUGH NONCOMPETITIVE NEGOTIATIONS WITH HNTB ARCHITECTS ENGINEERS PLANNERS OF COLUMBIA, MARYLAND FOR

STREETSCAPE AND LANDSCAPE DESIGN SERVICES FOR
FOUNTAIN SQUARE PARK AND SURROUNDING AREAS, AND
DESIGN OF CIRCUS SQUARE GREENSCAPE IN THE AMOUNT OF
\$47,500

Summary of Municipal Order No. 2003 - 276 was read by the City Clerk. Downtown Redevelopment Authority Special Projects Coordinator CJ Johanson reviewed the plan for design services and source of funding from a grant and direct appropriation. 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: Bullington, Denning, Hall, Palmer and Jones
 Voting Nay: None

Municipal Order No. 2003 - 276 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2003 – 277

MUNICIPAL ORDER APPROVING CONSTRUCTION AND
ACCEPTING MAINTENANCE OF VARIOUS STREETS IN PARK
HILLS SUBDIVISION, SECTION 2, PHASE 3 AND SECTION 3,
PHASE 2

Summary of Municipal Order No. 2003 - 277 was read by the City Clerk. Coates stated this was a standard process to accept the maintenance of new streets. 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: Bullington, Denning, Hall, Palmer and Jones
 Voting Nay: None

Municipal Order No. 2003 - 277 was approved by unanimous vote.

ORDINANCE NO. BG2003 – 66

(First Reading)

ORDINANCE PROVIDING FOR THE ISSUANCE OF GENERAL OBLIGATION BONDS

AN ORDINANCE OF THE CITY OF BOWLING GREEN, KENTUCKY
PROVIDING FOR THE ISSUANCE OF THE CITY'S GENERAL
OBLIGATION BONDS, SERIES 2003, FOR THE PURPOSE OF
PROVIDING FUNDS NECESSARY TO ADVANCE REFUND THE
OUTSTANDING MORTGAGE REVENUE BONDS, SERIES 1993, OF
THE CONVENTION CENTER CORPORATION; SETTING FORTH
THE TERMS AND CONDITIONS UPON WHICH THE SERIES 2003
BONDS ARE TO BE ISSUED AND OUTSTANDING; PROVIDING
FOR THE PAYMENT AND RETIREMENT OF THE SERIES 1993
BONDS BEING REFUNDED; ORDERING AND PROVIDING FOR
THE LEVY OF AN ANNUAL TAX TO THE EXTENT NECESSARY,
SUFFICIENT TO PAY THE INTEREST ON AND PRINCIPAL OF THE
SERIES 2003 BONDS; AND PROVIDING FOR A PUBLIC SALE OF
THE SERIES 2003 BONDS AND THE APPLICATION OF THE
PROCEEDS THEREOF

Title and summary of Ordinance No. BG2003 - 66 was read by the City Clerk. Chief Financial Officer Davis Cooper indicated that The Convention Center Corporation recommended to investigate the refinancing of bonds based on current market conditions. Cooper mentioned that a special meeting of the Board of Commissioners is anticipated to take place at 1:30 p.m. on December 9, 2003 to finalize the bond refinancing. Motion was made by Denning 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: Bullington, Denning, Hall, Palmer and Jones

Voting Nay: None

First reading of Ordinance No. BG2003 - 66 was approved by unanimous vote.

CLOSED SESSION

Mayor Jones announced that December 16, 2003 was the next scheduled meeting of the Board. Following a brief recess, the Board of Commissioners convened in closed session pursuant to KRS 61.810 (c) and (f) as previously approved. The Board did not take any action following the discussion.

ADJOURNMENT

Once the closed session discussion concluded and there being no further business to come before the Board of Commissioners, at approximately 10:10 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