

**MINUTES of REGULAR MEETING
of the BOARD of COMMISSIONERS
of the CITY of BOWLING GREEN, KENTUCKY
held AUGUST 3 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 August 3, 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 Jim Bullington, Commissioner Joe W. Denning, Commissioner Dan Hall and Mayor Sandy Jones. Absent: Commissioner Alan Palmer. There was a quorum of the Board of Commissioners.

S.T.A.R. AWARDS

Citizen Information and Assistance Director Mike Grubbs announced the recipient of the semi-annual *Linda Taylor Leigh S.T.A.R. (Service to Area Residents) Award* to recognize excellent customer service by City employees who are nominated by fellow employees or citizens. Grubbs stated that nominations were received and reviewed by an employee committee, and the four nominees were Office Associate Buffy Allen of the Fire Department, Payroll Manager Freda Ellis of the Finance Department, Electrical Inspector Rick Maxwell of the Housing and Community Development Department and Office Associate M. B. Stoner of the Housing and Community Development Department. Grubbs presented the nominees in attendance with a lapel pin and a display for their work area denoting "I'm a rising star." Grubbs, with Mayor Jones assistance, presented the fourth *Linda Taylor Leigh S.T.A.R. Award* to Electrical Inspector Rick Maxwell.

STORM DEBRIS CLEANUP UPDATE

Lawrence White of Scott Waste Management provided an update on the storm and yard debris cleanup from the July 5 and July 13, 2004 storms. He indicated that they were making a complete sweep of the City and then will return to some areas a second time. He also stated that they were leaving door tags at some residences to let them know why debris and/or brush were not picked up.

PUBLIC COMMENTS

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

PRESENTATIONS

Primary Care Center, Inc. Executive Director Chris Keyser presented the facility's accomplishments and achievements, including its service area, funding sources and prescription assistance programs for the past year. She also stated that plans are underway for relocation of the current facility by June of 2005.

Alice Burks, Assistant to the Housing and Community Development Director-Special Projects, presented an update of downtown redevelopment projects currently underway and addressed some

misconceptions regarding the role of the Downtown Redevelopment Authority (DRA), Inc. She explained the difference between Chapter 99 Urban Renewal and Redevelopment and the District Revitalization Strategy, and explained the interests for private development which are considered confidential until the appropriate time, much like the process undertaken for economic development prospects.

There was additional discussion regarding the Lifeskills project and DRA's involvement in the process. Also discussed was the process when dealing with potential private developers, the ability of the City to use eminent domain under the Chapter 99 Plan to acquire property for private development, the primary role of the City in the redevelopment process, and the ability of medical facilities to locate in other areas which are not specifically designated under the Chapter 99 Plan.

CITY MANAGER

City Manager Charles W. Coates requested the addition of three late-filed items for consideration at the end of the regular agenda. Motion was made by Hall and seconded by Bullington to add Ordinance No. BG2004-39 and Municipal Order Nos. 2004-207 and 2004-208 to the agenda for consideration. Jones called for roll call vote.

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

Motion to add Ordinance No. BG2004-39 and Municipal Order Nos. 2004-207 and 2004-208 to the agenda for consideration was approved by unanimous vote.

APPROVAL OF MINUTES

Minutes of Regular Meeting July 20, 2004

Minutes of the above-referenced meeting were distributed to the Board of Commissioners with the Agenda for their review. Motion was made by Denning 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: Bullington, Denning, Hall and Jones
 Voting Nay: None

Motion to approve the minutes of the regular meeting of July 20, 2004 was approved by unanimous vote.

ORDINANCE NO. BG2004 - 37

(Second Reading)

ORDINANCE PROVIDING FOR ISSUANCE OF WATER AND SEWER REVENUE BONDS

ORDINANCE OF THE CITY OF BOWLING GREEN, KENTUCKY,
AUTHORIZING AND PROVIDING FOR THE ISSUANCE OF CITY
OF BOWLING GREEN WATER AND SEWER REVENUE BONDS,
SERIES 2004, DATED AUGUST 1, 2004, FOR THE PURPOSE OF
FINANCING THE CONSTRUCTION OF ADDITIONS AND
IMPROVEMENTS TO THE WATER TREATMENT AND
DISTRIBUTION SYSTEM OF THE CITY

Title and summary of Ordinance No. BG2004 - 37 was read by City Clerk Katie Schaller. 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 and Jones
 Voting Nay: None

Ordinance No. BG2004 - 37 was adopted by unanimous vote.

MUNICIPAL ORDER NO. 2004 - 195

MUNICIPAL ORDER AUTHORIZING A CONTRACT THROUGH NONCOMPETITIVE NEGOTIATIONS WITH BELLSOUTH OF CHARLOTTE, NORTH CAROLINA FOR TELECOMMUNICATIONS EQUIPMENT AND VOICE MAIL UPGRADE FOR THE POLICE HEADQUARTERS EXPANSION PROJECT IN AN AMOUNT NOT TO EXCEED \$26,091.41

Summary of Municipal Order No. 2004 - 195 was read by the City Clerk. Communications Center Manager Malissa Carter explained that with the expansion of the Police facilities, up to thirty-nine additional telephone lines are necessary, as well as upgrading the voice mail software. 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 and Jones
 Voting Nay: None

Municipal Order No. 2004 - 195 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2004 - 196

MUNICIPAL ORDER APPROVING REVISIONS TO THE FAMILY SELF-SUFFICIENCY (FSS) ACTION PLAN FOR THE CITY'S SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM

Summary of Municipal Order No. 2004 - 196 was read by the City Clerk. Burks reviewed the history of the FSS program and indicated that revisions provided for a reduction to the program size. 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 and Jones
 Voting Nay: None

Municipal Order No. 2004 - 196 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2004 - 197

MUNICIPAL ORDER AUTHORIZING THE FILING OF A GRANT APPLICATION WITH THE KENTUCKY TRANSPORTATION CABINET FOR FISCAL YEAR 2005 FEDERAL TRANSPORTATION ASSISTANCE UNDER THE SECTION 5307 PROGRAM THROUGH THE FEDERAL TRANSIT ADMINISTRATION IN THE AMOUNT OF \$481,000

Summary of Municipal Order No. 2004 - 197 was read by the City Clerk. Grants Manager Lisa Ryan stated that this grant would continue the funding of the public transit operated by Community Action. Mayor Jones pointed out that this was a direct example of the benefit for being designated with Entitlement Status. Motion was made by Hall 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 and Jones
 Voting Nay: None

Municipal Order No. 2004 - 197 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2004 – 198

**MUNICIPAL ORDER RATIFYING EXECUTION OF
DECLARATION OF A LOCAL STATE OF EMERGENCY
RELATED TO THE JULY 13, 2004 WIND STORM**

Summary of Municipal Order No. 2004 - 198 was read by the City Clerk. City Attorney Gene Harmon stated that the City was previously requested by Disaster Emergency Services (DES) to provide an executed declaration to be submitted to Federal Emergency Management Agency (FEMA) for possible reimbursement of expenses related to the July 13, 2004 wind storm. Motion was made by Hall 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 and Jones
 Voting Nay: None

Municipal Order No. 2004 - 198 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2004 – 199

**MUNICIPAL ORDER APPROVING AND AUTHORIZING THE
MAYOR TO EXECUTE A WARRANTY SERVICE PROVIDER
OPERATING AGREEMENT THROUGH FORD MOTOR COMPANY
FOR FORD IN-HOUSE WARRANTY REPAIRS BY THE PUBLIC
WORKS DEPARTMENT, FLEET MANAGEMENT DIVISION**

Summary of Municipal Order No. 2004 - 199 was read by the City Clerk. Public Works Director Emmett Wood stated that with support from Greenwood Ford, the Fleet Division would be servicing in-house warranty repairs for a cost and efficiency savings, in addition to being a potential revenue source. 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 and Jones
 Voting Nay: None

Municipal Order No. 2004 - 199 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2004 - 200

MUNICIPAL ORDER APPROVING THE APPOINTMENT OF
MICHAEL L. NUNN TO THE BOWLING GREEN AREA
CONVENTION AND VISITORS BUREAU

Summary of Municipal Order No. 2004 - 200 was read by the City Clerk. Mayor Jones recommended this appointment. Motion was made by Hall 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 and Jones
 Voting Nay: None

Municipal Order No. 2004 - 200 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2004 - 201

MUNICIPAL ORDER APPROVING AND AUTHORIZING
PURCHASE OF APPROXIMATELY 54 ACRES LOCATED ON THE
SOUTHEAST SIDE OF OLD LOUISVILLE ROAD (U.S. HIGHWAY
31W) AT THE BARREN RIVER, ADJACENT TO WELDON PEETE
PARK, AND BELONGING TO DOROTHY F. LAWSON AND
KATHRYN P. BOND, WITH SUCH PROPERTY BEING
PURCHASED FOR PARKS AND GREENWAYS RIVERFRONT
PURPOSES

Summary of Municipal Order No. 2004 - 201 was read by the City Clerk. In the absence of Greenways Coordinator Helen Siewers, Comm. Bullington explained that this purchase would be a key piece of the greenways system to provide the first connection of a City park to a County park. 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 and Jones
 Voting Nay: None

Municipal Order No. 2004 - 201 was approved by unanimous vote.

ORDINANCE NO. BG2004 - 38

(First Reading)

ORDINANCE AMENDING CODE OF ORDINANCES

ORDINANCE AMENDING CHAPTER 5 (ANIMALS) OF THE CITY
OF BOWLING GREEN CODE OF ORDINANCES TO CREATE NEW
AND REVISED DEFINITIONS, TO REQUIRE RABIES
VACCINATIONS FOR DOGS, CATS AND FERRETS, TO CREATE
REVISED KENNEL REQUIREMENTS, TO REGULATE THE
KEEPING OF EXOTIC OR WILD ANIMALS, TO CREATE CIVIL
PENALTIES FOR SPECIFIED VIOLATIONS AND TO MAKE
OTHER RELATED AMENDMENTS

Title and summary of Ordinance No. BG2004 - 38 was read by the City Clerk. Harmon indicated that most of these changes were presented and discussed at the previous meeting of the Board of Commissioners, and he highlighted the additional changes since that time. Harmon also reviewed kennel and certain nuisance language for more effective enforcement. Schaller pointed out that amendments would become effective October 1, 2004, providing several weeks for public education and awareness.

Scott Petty, local reptile hobbyist, expressed concern with the proposed changes under kennels and wild and exotic animals as he would now be required to have a kennel license in addition to a wild and exotic permit for each snake he keeps. He suggested amending the definition for wild and exotic animals to exclude constrictor snakes which are less than six feet in length.

Diane Gibbs, owner of Fishy Business Pet Shop, requested that pet stores be exempted from the kennel license like the veterinarians. She also mentioned that there may be an issue with including fish in the definition of animal.

Motion was made by Denning and seconded by Hall to table said Ordinance for further review regarding these issues. With no additional discussion, a roll call vote was taken.

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

Motion to table Ordinance No. BG2004 - 38 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2004 - 202

MUNICIPAL ORDER APPROVING THE PROMOTION OF ERIN L. CAFFEE TO THE POSITION OF PAYROLL SPECIALIST IN THE FINANCE DEPARTMENT

Summary of Municipal Order No. 2004 - 202 was read by the City Clerk. Human Resources Director Michele Tolbert reviewed the open position and qualifications for promotion. 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 and Jones
 Voting Nay: None

Municipal Order No. 2004 - 202 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2004 - 203

MUNICIPAL ORDER AUTHORIZING THE MAYOR TO EXECUTE A LEASE AGREEMENT WITH THE BREWING COMPANY, INC., D/B/A THE BREWING COMPANY, FOR LEASE OF A PORTION OF THE MUNICIPAL SIDEWALK LOCATED IN FRONT OF 423 PARK ROW

Summary of Municipal Order No. 2004 - 203 was read by the City Clerk. Harmon clarified that the next three items authorized the continuation of sidewalk lease agreements. Chief Financial Officer Davis Cooper pointed out that these agreements provide for perpetual renewal until such time

as either party requests to terminate. 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 and Jones

Voting Nay: None

Municipal Order No. 2004 - 203 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2004 - 204

**MUNICIPAL ORDER AUTHORIZING THE MAYOR TO EXECUTE
A LEASE AGREEMENT WITH OLE PAL, LLC, D/B/A JT'S DELI &
SPORTS BAR, FOR LEASE OF A PORTION OF THE MUNICIPAL
SIDEWALK LOCATED IN FRONT OF 427 PARK ROW**

Summary of Municipal Order No. 2004 - 204 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 and Jones

Voting Nay: None

Municipal Order No. 2004 - 204 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2004 - 205

**MUNICIPAL ORDER AUTHORIZING THE MAYOR TO EXECUTE
A LEASE AGREEMENT WITH CRAWDADDY ENTERPRISES,
INC., D/B/A 440 MAIN, FOR LEASE OF A PORTION OF THE
MUNICIPAL SIDEWALK LOCATED IN FRONT OF 440 MAIN
AVENUE**

Summary of Municipal Order No. 2004 - 205 was read by the City Clerk. Comm. Hall requested that a sketch of the layout be included with the property description for 440 Main like the other two agreements. 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 and Jones

Voting Nay: None

Municipal Order No. 2004 - 205 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2004 - 206

**MUNICIPAL ORDER AUTHORIZING PAYMENT TO
ARCHITECTURAL SERVICES OF KENTUCKY, INC. FOR WORK
ON THE PARKS AND RECREATION COMMUNITY CENTER
ROOF REPLACEMENT AND RENOVATION AND EXPANSION
PROJECTS**

Summary of Municipal Order No. 2004 - 206 was read by the City Clerk. Harmon stated that with this final payment, the total project would exceed \$25,000, which requires the Board's approval. 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 and Jones
 Voting Nay: None

Municipal Order No. 2004 - 206 was approved by unanimous vote.

ORDINANCE NO. BG2004 - 39

(First Reading)

ORDINANCE AMENDING CODE OF ORDINANCES

**ORDINANCE AMENDING CHAPTER 25 (CODE OF ETHICS) OF
THE CITY OF BOWLING GREEN CODE OF ORDINANCES
RELATING TO CONFLICTS OF INTEREST IN CONTRACTS**

Title and summary of Ordinance No. BG2004 - 39 was read by the City Clerk. Harmon reviewed the history behind the recommendation of the Board of Ethics, which was at the request of a local business owner whose spouse is employed by the City, to amend the Code of Ethics regarding conflicts of interest in contracts, which would loosen restrictions in allowing public officials, employees and members of certain City agencies to benefit from City contracts awarded through a competitive bidding process. Comm. Denning stated he agreed with the changes and thought the current language was too restrictive. Comm. Hall stated he was opposed to any elected official being allowed to bid and wanted safeguards put in place that require all policies be strictly followed. Chief Financial Officer Davis Cooper pointed out that these amendments would also allow for an employee who individually owns a business to submit bids for City contracts. Mayor Jones stated that the highest ethical standard should be maintained and expressed concern with these amendments which could affect the public's perception of City officials and employees.

Lanna Kilgore, attorney representing Bluegrass Uniforms, stated that Bowling Green has an older ordinance which is very strict and requested that her client have the opportunity to competitively bid on public notice contracts with the City. She stated that these changes would bring the Bowling Green Code into more of an alignment with other second-class cities and follow Kentucky Revised Statutes (KRS) 61.252.

Motion was made by Hall and seconded by Denning to table said Ordinance to address concerns expressed regarding safeguards and the exclusion of elected officials. With no additional discussion, a roll call vote was taken.

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

Motion to table Ordinance No. BG2004 - 39 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2004 - 207

**MUNICIPAL ORDER RENAMING RIVERFRONT PARK, ALSO
KNOWN AS RIVERWALK PARK, TO MITCH MCCONNELL PARK**

(Minutes-Board of Commissioners-August 3, 2004)

Summary of Municipal Order No. 2004 - 207 was read by the City Clerk. Motion was made by Hall and seconded by Denning for consideration of said Municipal Order. Mayor Jones asked for discussion, and with none, a roll call vote was taken.

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

Municipal Order No. 2004 - 207 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2004 - 208

MUNICIPAL ORDER OF THE CITY OF BOWLING GREEN,
KENTUCKY ACCEPTING THE SUCCESSFUL BID FOR THE
PURCHASE OF THE CITY OF BOWLING GREEN, KENTUCKY
WATER AND SEWER REVENUE BONDS, SERIES 2004

Summary of Municipal Order No. 2004 - 208 was read by the City Clerk. Diana McQuady, Chief Financial Officer for Bowling Green Municipal Utilities (BGMU) stated that the bid opening took place earlier in the day. Pete Mahurin of Hilliard Lyons reviewed recent interest rates and the lowest bid by Citigroup Global Markets, Inc. of New York. Motion was made by Bullington 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 and Jones
 Voting Nay: None

Municipal Order No. 2004 - 208 was approved by unanimous vote.

ADJOURNMENT

Mayor Jones announced that August 17, 2004 was the next scheduled meeting of the Board. There being no further business to come before the Board of Commissioners, at approximately 9:45 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