

**MINUTES of REGULAR MEETING
of the BOARD of COMMISSIONERS
of the CITY of BOWLING GREEN, KENTUCKY
held MAY 18, 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 May 18, 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 Dan Hall, Commissioner Alan Palmer, Commissioner Jim Bullington, Commissioner Joe W. Denning and Mayor Sandy Jones. Absent: none. There was a full quorum of the Board of Commissioners.

ANNOUNCEMENT

Mayor Jones wished the Greenwood High School Marching Band good luck with its trip to Washington D.C to participate in a national celebration honoring World War II Veterans.

PUBLIC COMMENTS

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

CITY MANAGER

City Manager Charles W. Coates requested a closed session for the purpose of discussion of proposed or pending litigation against or on behalf of the City. He indicated that action may follow the discussion. Motion was made by Hall and seconded by Palmer to convene in closed session following the regular meeting pursuant to KRS 61.810 (c). Jones called for roll call vote.

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

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

PRESENTATIONS

City Clerk Katie Schaller presented an update regarding agency funding, oversight and training. She reviewed the history of the PRO TEAM Budget Committee, the agency funding application and evaluation process, the Committee's accomplishments and future, and developed workshops directed toward board, commission and agency members.

Public Works Director Emmett Wood provided an update on community education programming for implementation of ESC and other NPDES requirements. He stated that a seminar is to be held May 26 and 27, 2004, in addition to the development of other educational materials.

APPROVAL OF MINUTES

Minutes of Regular Meeting May 4, 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: Hall, Palmer, Bullington, Denning and Jones
 Voting Nay: None

Motion to approve the minutes of the regular meeting of May 4, 2004 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2004 – 108

MUNICIPAL ORDER AUTHORIZING THE HOUSING AUTHORITY OF BOWLING GREEN TO RETAIN THE CITY’S PORTION OF THE PAYMENT IN LIEU OF TAXES (PILOT) FOR THE 2003 TAX YEAR IN THE AMOUNT OF \$16,449

Summary of Municipal Order No. 2004 - 108 was read by the City Clerk. Mayor Jones stated that this was an annual item to assist the Housing Authority with funding after-school programs. 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: Hall, Palmer, Bullington, Denning and Jones
 Voting Nay: None

Municipal Order No. 2004 - 108 was approved by unanimous vote.

ORDINANCE NO. BG2004 – 22

(First Reading)

ORDINANCE REZONING REAL ESTATE

ORDINANCE REZONING A TRACT OF LAND CONTAINING 114.24 ACRES FROM LI (LIGHT INDUSTRY) AND F (FLOOD DISTRICT) TO HI (HEAVY INDUSTRY) AND F (FLOOD DISTRICT) LOCATED AT 3055 LOUISVILLE ROAD, WITH BINDING ELEMENTS, PRESENTLY OWNED BY MARY LOUISE HERRINGTON AND TRACE DIE CAST, INC., CONTRACT VENDEE

Title and summary of Ordinance No. BG2004 - 22 was read by the City Clerk. Planning Commission Director Andy Gillies reviewed the recommended rezoning and associated binding elements. 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: Hall, Palmer, Bullington, Denning and Jones
 Voting Nay: None

First reading of Ordinance No. BG2004 - 22 was approved by unanimous vote.

ORDINANCE NO. BG2004 – 23

(First Reading)

ORDINANCE REZONING REAL ESTATE

ORDINANCE REZONING A TRACT OF LAND CONTAINING 0.76 ACRE FROM RM-3 (MULTI-FAMILY RESIDENTIAL) TO HI (HEAVY INDUSTRY) LOCATED AT 624, 626 AND 628 CHURCH AVENUE, PRESENTLY OWNED BY HOUCHEHS PROPERTIES, INC. AND HOUCHEHS WAREHOUSING, INC.

Title and summary of Ordinance No. BG2004 - 23 was read by the City Clerk. Gillies reviewed the recommended rezoning which did not require any binding elements. 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: Hall, Palmer, Bullington, Denning and Jones
 Voting Nay: None

First reading of Ordinance No. BG2004 - 23 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2004 – 109

MUNICIPAL ORDER APPROVING THE REAPPOINTMENTS OF CARLA BOHANNON AND DELANE SIMPSON TO THE CITY OF BOWLING GREEN CODE ENFORCEMENT BOARD

Summary of Municipal Order No. 2004 - 109 was read by the City Clerk. Mayor Jones recommended the reappointments. 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: Hall, Palmer, Bullington, Denning and Jones
 Voting Nay: None

Municipal Order No. 2004 – 109 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2004 – 110

MUNICIPAL ORDER AUTHORIZING AND APPROVING A TAX-EXEMPT LEASE PURCHASE AGREEMENT IN THE AMOUNT OF \$211,000 WITH BRANCH BANKING & TRUST (BB&T) TO PROVIDE FINANCING FOR THE REIMBURSEMENT OF CONSTRUCTION COSTS INCURRED ON THE CAVE MILL WIDENING AND DISHMAN LANE PROJECTS

Summary of Municipal Order No. 2004 - 110 was read by the City Clerk. Coates indicated that this completed the financing package for these projects. 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: Hall, Palmer, Bullington, Denning and Jones
 Voting Nay: None

Municipal Order No. 2004 - 110 was approved by unanimous vote.

Prior to considering Ordinance No. BG2004-24, Mayor Jones excused herself from the discussion and stepped down since she testified on behalf of the South Central Kentucky Regional Development Authority at the Planning Commission's public hearing. Mayor Pro Tem Dan Hall presided over the following issue.

ORDINANCE NO. BG2004 – 24
(First Reading)
ORDINANCE REZONING REAL ESTATE

ORDINANCE REZONING THREE TRACTS OF LAND CONTAINING 330 ACRES FROM AG (AGRICULTURE) TO LI (LIGHT INDUSTRY) AND HI (HEAVY INDUSTRY) LOCATED ON LOUISVILLE ROAD (U.S. 31-W), GLASGOW ROAD (U.S. 68/KY 80) AND MIZPAH ROAD, WITH BINDING ELEMENTS, PRESENTLY OWNED BY INTER-MODAL TRANSPORTATION AUTHORITY, INC., SOUTH CENTRAL KENTUCKY REGIONAL DEVELOPMENT AUTHORITY, DAVID AND SHIRLEY HERRINGTON, DANNY AND MARGIE DUVALL, AND THE ESTATE OF MABEL I. HERRINGTON

Title and summary of Ordinance No. BG2004 - 24 was read by the City Clerk. Gillies provided an overview of the recommended rezoning and associated binding elements. Gillies responded to questions regarding requirements related to environmental concerns. Mayor Pro Tem Hall stated that the Board would hear comments regarding this rezoning for no more than ten minutes.

On behalf of the Warren County Citizens for Managed Growth and for herself, Gayla Cissell requested that the Board of Commissioners conduct a public hearing on this issue. Comm. Palmer stated that the Board had a copy of the records from the public hearing conducted by the Planning Commission. Ms. Cissell inquired about whether or not the City had been approached about indemnification related to environmental issues. City Attorney Harmon responded that he was not aware of any inquiry.

Jim Duffer, resident of Bowling Green and member of Warren County Citizens for Managed Growth, cited his concerns of overdevelopment of farm land and recommended that the Board be more selective with locating manufacturing facilities.

Attorney Wayne Priest, representing the applicants of the zone change, requested approval of the rezoning as recommended by the Planning Commission.

Motion was made by Denning and seconded by Bullington for first reading of said Ordinance. Mayor Pro Tem Hall asked for additional discussion, and with none, a roll call vote was taken.

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

First reading of Ordinance No. BG2004 - 24 was approved by unanimous vote. Following the vote, Mayor Jones returned to resume her duties as Presiding Officer of the Board of Commissioners.

MUNICIPAL ORDER NO. 2004 – 111

MUNICIPAL ORDER APPROVING AND AUTHORIZING PURCHASE OF 1500 CAMPBELL LANE RELATED TO ROAD IMPROVEMENTS FOR HOUSTON COURT AND WEST PARK DRIVE

Summary of Municipal Order No. 2004 - 111 was read by the City Clerk. Coates explained that this property acquisition was necessary for the development of another access road from Campbell Lane

into the Gary Farms Development. 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: Hall, Palmer, Bullington, Denning and Jones
 Voting Nay: None

Municipal Order No. 2004 - 111 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2004 – 112

MUNICIPAL ORDER ACCEPTING THE CITY OF BOWLING GREEN, KENTUCKY COMPREHENSIVE ANNUAL FINANCIAL REPORT FOR THE PERIOD ENDING JUNE 30, 2003 AS PREPARED BY THE DEPARTMENT OF FINANCE AND AUDITED BY KIRBY & KIRBY, CERTIFIED PUBLIC ACCOUNTANTS

Summary of Municipal Order No. 2004 - 112 was read by the City Clerk. Kim Kirby of Kirby & Kirby, CPA provided an overview of the annual financial report and described the significant changes made in accordance with the new requirements of the Government Accounting Standards Board (GASB 34). 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: Hall, Palmer, Bullington, Denning and Jones
 Voting Nay: None

Municipal Order No. 2004 - 112 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2004 – 113

MUNICIPAL ORDER AUTHORIZING AND ACCEPTING BID #2004-47 FOR PUBLIC TRANSIT SERVICES AND APPROVING A CONTRACT WITH COMMUNITY ACTION OF SOUTHERN KENTUCKY, INC.

Summary of Municipal Order No. 2004 - 113 was read by the City Clerk. Grants Manager Lisa Ryan reviewed the bid process and contract for services, which will be retroactive back to July 2003 for two years and will be renewable for three additional years. 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: Hall, Palmer, Bullington, Denning and Jones
 Voting Nay: None

Municipal Order No. 2004 - 113 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2004 – 114

MUNICIPAL ORDER APPROVING THE PROBATIONARY APPOINTMENT OF ERIN L. CAFFEE TO THE POSITION OF OFFICE ASSOCIATE IN THE FINANCE DEPARTMENT

Summary of Municipal Order No. 2004 - 114 was read by the City Clerk. Chief Financial Officer Davis Cooper reviewed the qualifications of the recommended applicant. 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: Hall, Palmer, Bullington, Denning and Jones
 Voting Nay: None

Municipal Order No. 2004 - 114 was approved by unanimous vote.

ANNOUNCEMENTS

Mayor Jones announced that June 1, 2004 was the next scheduled meeting of the Board.

Comm. Denning commented about the fifty year anniversary of the landmark Supreme Court decision of Brown vs. Topeka Board of Education regarding desegregation in the school systems. He noted that this community has come a long way over the past fifty years, but that there is still more work to be done as the community continues to be a great place to live.

CLOSED SESSION

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

ADJOURNMENT

As there was no action to follow the closed session and there being no further business to come before the Board of Commissioners, at approximately 9:35 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