

**MINUTES of REGULAR MEETING
of the BOARD of COMMISSIONERS
of the CITY of BOWLING GREEN, KENTUCKY
held MARCH 16, 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 March 16, 2004. Mayor Sandy Jones called the meeting to order. An invocation was given by Police Chaplain Don Dorris, 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.

PUBLIC HEARING

City Engineer Jeff Lashlee conducted a public hearing to review the proposed use of the Municipal Aid Program Funds, the Coal Severance and Processing Tax and the Mineral Severance Tax. Lashlee responded to questions from the Board regarding the street overlay program, the anticipated completion date for the Wakefield street, curb and gutter project, and solutions to intermittent road cuts by various utilities.

PUBLIC COMMENTS

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

PRESENTATION

Independent Counsel R. Gregg Hovious presented the final report of findings related to the Convention Center investigation. Mr. Hovious read the report's "executive summary" and responded to questions regarding the contents of the report. Comm. Palmer stated he would like time to review the document and requested that Mr. Hovious return to the next meeting of the Board to discuss his recommendations further. There was discussion about how the Board would proceed with discussions, whether in closed session or open session, at its next meeting. City Attorney Gene Harmon stated that the written report was open to the public under the Kentucky Open Records Act. Comm. Bullington stated he disagreed with Hovious's recommendation to pay BKD any amount. Coates suggested further discussion to take place at the next regular meeting of the Board on April 6.

RECESS

Following the conclusion of all discussion related to the Convention Center investigation, there was a brief recess of the Board before continuing with the next item on the agenda.

PRESENTATION

Neighborhood Action Coordinator Karen Foley provided an overview of the Neighborhood Program Strategic Plan and its recent review with the use of focus groups. Foley provided the history of the NAC office and its operations, including meeting its goals outlined in the original Strategic Plan and including new goals for a revised Strategic Plan.

CITY MANAGER

City Manager Charles W. Coates requested a special meeting of the Board of Commissioners for approval of bond ordinances and sale. The Board agreed to meet at 3:00 p.m. on Tuesday, March 23, 2004.

APPROVAL OF MINUTES

Minutes of Regular Meeting March 2, 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: Bullington, Denning, Hall, Palmer and Jones
 Voting Nay: None

Motion to approve the minutes of the regular meeting of March 2, 2004 was approved by unanimous vote.

ORDINANCE NO. BG2004 – 7

(Second Reading)

ORDINANCE AMENDING CHAPTER 99 PLAN

ORDINANCE APPROVING AMENDMENT TO THE CHAPTER 99
COMMUNITY DEVELOPMENT PLAN (URBAN RENEWAL PLAN)
FOR THE HISTORIC BOWLING GREEN REVITALIZATION
PROJECT AREA

Title and summary of Ordinance No. BG2004 - 7 was read by City Clerk Katie Schaller. 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. BG2004 - 7 was adopted by unanimous vote.

ORDINANCE NO. BG2004 – 8

(Second Reading)

ORDINANCE CLOSING A PUBLIC RIGHT-OF-WAY

ORDINANCE APPROVING THE CLOSING OF HAYS-MARTIN
ROAD

Title and summary of Ordinance No. BG2004 - 8 was read by the City Clerk. Motion was made by Bullington 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. BG2004 - 8 was adopted by unanimous vote.

MUNICIPAL ORDER NO. 2004 – 60

MUNICIPAL ORDER APPROVING AND AUTHORIZING REIMBURSEMENT OF OUT-OF-TOWN TRAVEL EXPENSES TO FRANKFORT, KENTUCKY FOR COMMISSIONER DAN HALL

Summary of Municipal Order No. 2004 - 60 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 additional discussion, and with none, a roll call vote was taken.

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

Municipal Order No. 2004 - 60 was approved by majority vote.

MUNICIPAL ORDER NO. 2004 – 61

MUNICIPAL ORDER APPROVING THE REAPPOINTMENTS OF RICHARD W. LORD, DARRYL L. HITCH, DAVID W. BRADY, TIMOTHY G. GEEGAN AND PHILIP DYE TO THE BUILDING CODE BOARD OF APPEAL

Summary of Municipal Order No. 2004 - 61 was read by the City Clerk. Mayor Jones recommended the reappointments. 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. 2004 - 61 was approved by unanimous vote.

ORDINANCE NO. BG2004 – 9

(First Reading)

ORDINANCE ANNEXING PROPERTY BY CONSENT

ORDINANCE ANNEXING 10.74 ACRES OF PROPERTY LOCATED AT THE INTERSECTION OF VETERANS MEMORIAL BOULEVARD AND MORGANTOWN ROAD (US 231), WITH PROPERTY PRESENTLY OWNED BY THE EVANS PROPERTY COMPANY, LLC, AND SAID TERRITORY BEING CONTIGUOUS TO EXISTING CITY LIMITS

Title and summary of Ordinance No. BG2004 - 9 was read by the City Clerk. Coates stated this was a voluntary request for annexation. 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: Bullington, Denning, Hall, Palmer and Jones
Voting Nay: None

First reading of Ordinance No. BG2004 - 9 was approved by unanimous vote.

ORDINANCE NO. BG2004 – 10

(First Reading)

ORDINANCE AMENDING CODE OF ORDINANCES

ORDINANCE AMENDING CHAPTER 6 (BUILDING REGULATIONS) OF THE CITY OF BOWLING GREEN CODE OF ORDINANCES RELATED TO ADOPTION OF THE UNIFORM STATEWIDE MANDATORY KENTUCKY BUILDING CODE AS RECOMMENDED BY THE BOARD OF HOUSING, BUILDINGS AND CONSTRUCTION OF THE COMMONWEALTH OF KENTUCKY, AND ADOPTION OF THE KENTUCKY RESIDENTIAL CODE FOR ONE AND TWO-FAMILY DWELLINGS

Title and summary of Ordinance No. BG2004 - 10 was read by the City Clerk. City Attorney Gene Harmon stated the changes were recommended to comply with state statutes. Coates described the benefits of a local plan review process. 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: Bullington, Denning, Hall, Palmer and Jones
Voting Nay: None

First reading of Ordinance No. BG2004 - 10 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2004 - 62

MUNICIPAL ORDER AUTHORIZING AND APPROVING THE GEORGE WASHINGTON CARVER CENTER TO SUBLEASE PROPERTY LOCATED AT THE INTERSECTION OF STATE STREET AND SECOND AVENUE TO THE NEW ERA PLANNING ASSOCIATION, INC.

Summary of Municipal Order No. 2004 - 62 was read by the City Clerk. Motion was made by Denning and seconded by Bullington 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, Palmer and Jones
Voting Nay: None

Municipal Order No. 2004 - 62 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2004 - 63

MUNICIPAL ORDER AUTHORIZING SUBMISSION OF A GRANT APPLICATION TO THE UNITED STATES DEPARTMENT OF JUSTICE, BUREAU OF JUSTICE ASSISTANCE, BULLETPROOF VEST PARTNERSHIP PROGRAM IN THE AMOUNT OF \$1,372.50

Summary of Municipal Order No. 2004 - 63 was read by the City Clerk. Police Captain Mark Johnson reviewed the proposed use of funding to purchase approximately 23 new vests. 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: Bullington, Denning, Hall, Palmer and Jones
Voting Nay: None

Municipal Order No. 2004 - 63 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2004 – 64

MUNICIPAL ORDER APPROVING AND AUTHORIZING THE MAYOR TO EXECUTE A FIFTH AMENDMENT TO GRANT AGREEMENT BETWEEN THE CITY OF BOWLING GREEN, BOWLING GREEN ENTERPRISE COMMUNITY, INC. AND THE UNITED STATES DEPARTMENT OF AGRICULTURE, RURAL DEVELOPMENT, OFFICE OF COMMUNITY DEVELOPMENT

Summary of Municipal Order No. 2004 - 64 was read by the City Clerk. Grants Manager Lisa Ryan explained the requirement to authorize receipt of funding and compared funding amounts from previous years. 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. 2004 - 64 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2004 – 65

MUNICIPAL ORDER RATIFYING THE REAPPOINTMENT THROUGH ELECTIONS OF JIPAUM ASKEW-GIBSON, FRED BROWN AND DAVID BRYANT TO THE BOWLING GREEN ENTERPRISE COMMUNITY, INC. BOARD OF DIRECTORS

Summary of Municipal Order No. 2004 - 65 was read by the City Clerk. Ryan indicated that federal law regulates the composition of the Enterprise Community Board of Directors. 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. 2004 - 65 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2004 – 66

MUNICIPAL ORDER APPROVING THE PROBATIONARY APPOINTMENTS OF PATRICIA A. STEINBERGER AND RHONDA L. PAGE TO THE POSITION OF COMMUNICATIONS DISPATCHER IN THE POLICE DEPARTMENT

Summary of Municipal Order No. 2004 - 66 was read by the City Clerk. Human Resources Director Michele Tolbert reviewed the positions, the application process and the recommended applicants' qualifications. Comm. Denning commented about the importance of the dispatcher position. 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. 2004 - 66 was approved by unanimous vote.

ORDINANCE NO. BG2004 – 11

(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 2004A, FOR THE PURPOSE OF PROVIDING FUNDS TO PAY COSTS OF CERTAIN PUBLIC PROJECTS OF THE CITY; SETTING FORTH THE TERMS AND CONDITIONS UPON WHICH THE SERIES 2004A BONDS ARE TO BE ISSUED AND OUTSTANDING; 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 2004A BONDS; AND PROVIDING FOR A PUBLIC SALE OF THE SERIES 2004A BONDS AND THE APPLICATION OF THE PROCEEDS THEREOF

Title and summary of Ordinance No. BG2004 - 11 was read by the City Clerk. Chief Financial Officer Davis Cooper explained that the bond issue is split between tax-exempt and taxable bonds with an anticipated sale on March 23, 2004. 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: Bullington, Denning, Hall, Palmer and Jones
 Voting Nay: None

First reading of Ordinance No. BG2004 - 11 was approved by unanimous vote.

ORDINANCE NO. BG2004 – 12

(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 2004B (TAXABLE), FOR THE PURPOSE OF PROVIDING FUNDS TO PAY COSTS OF ACQUISITION AND CLEARING OF LAND IN THE HISTORIC BOWLING GREEN REVITALIZATION PROJECT TARGET AREA; SETTING FORTH THE TERMS AND CONDITIONS UPON WHICH THE SERIES 2004B BONDS ARE TO BE ISSUED AND OUTSTANDING; 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 2004B BONDS; PROVIDING FOR THE ESTABLISHMENT AND ADMINISTRATION OF A REVOLVING FUND TO FINANCE ADDITIONAL LAND ACQUISITION IN THE REVITALIZATION PROJECT TARGET AREA; AND PROVIDING FOR A PUBLIC SALE OF THE SERIES 2004B BONDS AND THE APPLICATION OF THE PROCEEDS THEREOF

Title and summary of Ordinance No. BG2004 - 12 was read by the City Clerk. Cooper explained the requirement to have taxable bonds with the involvement of private development which is typically for profit. 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: Bullington, Denning, Hall, Palmer and Jones
Voting Nay: None

First reading of Ordinance No. BG2004 - 12 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2004 - 67

MUNICIPAL ORDER AUTHORIZING A CONTRACT THROUGH NONCOMPETITIVE NEGOTIATIONS WITH EDSA FOR STREETScape AND LANDSCAPE DESIGN SERVICES FOR FOUNTAIN SQUARE PARK AND SURROUNDING AREAS AND DESIGN OF CIRCUS SQUARE GREENSCAPE IN THE AMOUNT OF \$37,125

Summary of Municipal Order No. 2004 - 67 was read by the City Clerk. Downtown Redevelopment Authority Director Cheryl Blaine outlined the change in contracts to retain individual consultants who have complete knowledge of the project. 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. 2004 - 67 was approved by unanimous vote.

ADJOURNMENT

Mayor Jones announced that the Board would meet next for a special meeting on March 23, 2004 and that April 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 8:30 p.m., Mayor Jones declared this meeting adjourned.

ADOPTED: _____

APPROVED: _____
Mayor, Chairman of Board of Commissioners

ATTEST: _____
City Clerk

(Minutes-Board of Commissioners-March 16, 2004)

Minutes prepared by City Clerk Katie Schaller