

**MINUTES of REGULAR MEETING
of the BOARD of COMMISSIONERS
of the CITY of BOWLING GREEN, KENTUCKY
held SEPTEMBER 7, 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 September 7, 2004. Mayor Sandy Jones called the meeting to order. Police Chaplain Don Dorris gave an invocation, 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.

PUBLIC HEARINGS

City Treasurer Jeff Meisel conducted a public hearing for the purpose of obtaining comments from citizens regarding the proposed 2004 Property Tax Rates, which would remain the same as the previous year at \$0.269. He also stated that tax bills will be mailed out in the next few weeks and payment is due December 31, 2004. There were no public comments.

Police Office Associate Heather Plowman conducted a public hearing for the purpose of soliciting opinions from the public concerning the use of and to identify uses for the Local Law Enforcement Block Grant (LLEBG) funds to be received from the U.S. Department of Justice, Bureau of Justice Assistance in the amount of \$19,050. Plowman stated that funds would be used to purchase additional in-car cameras for the Police Department. There were no public comments.

RECOGNITION

Mayor Jones recognized members of Boy Scout Troop 216 in attendance working toward a merit badge.

PUBLIC COMMENTS

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

PRESENTATION

Sam Terry, Director of the Hobson House Commission presented the agency's accomplishments and achievements during the past year, and the plans for the upcoming year which included the Riverview at Hobson Grove operations of the Historic Hobson House, programs, events, sources of income and expenses, fundraising activities and marketing efforts.

CITY MANAGER

City Manager Charles W. Coates requested a late-filed item be added to the agenda. Motion was made by Hall and seconded by Palmer to add Municipal Order No. 2004 – 230 to the agenda for consideration. Jones called for roll call vote.

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

Motion to add Municipal Order No. 2004 – 230 to the agenda was approved by unanimous vote.

Coates also provided an update on the progress being made toward the Cable Television Franchise Agreement renewal. He stated that a public hearing of the Bowling Green-Warren County Cable Television Franchise Authority would be conducted the evening of September 21, 2004 prior to the Board of Commissioners meeting. Coates also stated that the ordinance developed to amend Chapter 5 (Animals) of the Code of Ordinances is still under review and would be brought back for consideration sometime in the future.

APPROVAL OF MINUTES

Minutes of Regular Meeting August 17, 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, Denning and Jones
 Voting Nay: None
 Voting Abstain: Bullington

Motion to approve the minutes of the regular meeting of August 17, 2004 was approved by majority vote. Comm. Bullington abstained since he was not present at that meeting.

ORDINANCE NO. BG2004 – 39

(Second Reading)

As Amended

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, as amended, was read by City Clerk Katie Schaller. Lanna Kilgore, attorney representing June Colson, owner of Bluegrass Uniforms, Inc., requested that the Board approve the ordinance as drafted and subsequently recommended by the Board of Ethics. 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: Palmer, Bullington and Denning
 Voting Nay: Hall and Jones

Ordinance No. BG2004 – 39, as amended, was adopted by majority vote.

ORDINANCE NO. BG2004 – 40

(Second Reading)

ORDINANCE REZONING REAL ESTATE

ORDINANCE REZONING TWO TRACTS OF LAND CONTAINING 2.24 ACRES FROM RM-4 (MULTI FAMILY RESIDENTIAL) AND OP-R (OFFICE PROFESSIONAL - RESIDENTIAL) TO OP-C (OFFICE PROFESSIONAL - COMMERCIAL) LOCATED AT 825 FOURTH AVENUE AND ON HIGH STREET, WITH BINDING ELEMENTS, PRESENTLY OWNED BY THE BOWLING GREEN-WARREN COUNTY COMMUNITY HOSPITAL CORPORATION

Title and summary of Ordinance No. BG2004 - 40 was read by the City Clerk. Motion was made by Palmer 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: Hall, Palmer, Bullington, Denning and Jones
 Voting Nay: None

Ordinance No. BG2004 - 40 was adopted by unanimous vote.

ORDINANCE NO. BG2004 - 42
(First Reading)
ORDINANCE REZONING REAL ESTATE

ORDINANCE REZONING A TRACT OF LAND CONTAINING 5.74 ACRES FROM AG (AGRICULTURE) TO HB (HIGHWAY BUSINESS) LOCATED ON SCOTTSVILLE ROAD, WITH BINDING ELEMENTS, PRESENTLY OWNED BY R. O. BUCHANON, JR. AND JUANITA BUCHANON, WITH TIM POSTON, GEOFF FIELDS AND KIRK TINSLEY, CONTRACT VENDEES

Title and summary of Ordinance No. BG2004 - 42 was read by the City Clerk. Planning Commission Director Andy Gillies reviewed the rezoning and associated binding elements. 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: Hall, Palmer, Bullington, Denning and Jones
 Voting Nay: None

First reading of Ordinance No. BG2004 - 42 was approved by unanimous vote.

ORDINANCE NO. BG2004 - 43
(First Reading)
ORDINANCE REZONING REAL ESTATE

ORDINANCE REZONING TWO TRACTS OF LAND CONTAINING 1.34 ACRES FROM RM-4 (MULTI-FAMILY RESIDENTIAL) AND LI (LIGHT INDUSTRY) TO OP-C (OFFICE PROFESSIONAL COMMERCIAL) AND RM-4 (MULTI-FAMILY RESIDENTIAL), LOCATED ON SHIVE LANE, WITH BINDING ELEMENTS, PRESENTLY OWNED BY VAN METER ENGINEERING, INC. AND SHANE VAN METER

Title and summary of Ordinance No. BG2004 - 43 was read by the City Clerk. Gillies reviewed the rezoning request and the required binding elements, including the potential impact on widening Shive Lane in the future. 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: Hall, Palmer, Bullington, Denning and Jones
 Voting Nay: None

First reading of Ordinance No. BG2004 - 43 was approved by unanimous vote.

ORDINANCE NO. BG2004 - 44

(First Reading)

ORDINANCE APPROVING LOCAL HISTORIC DESIGNATION OF A LANDMARK SITE

**ORDINANCE APPROVING A LOCAL HISTORIC DESIGNATION
OF A LANDMARK SITE FOR PROPERTY LOCATED AT 422 EAST
15TH AVENUE**

Title and summary of Ordinance No. BG2004 - 44 was read by the City Clerk. Historic Preservation Planner Robin Ziegler described the characteristics of the property recommended for historic designation. 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: Hall, Palmer, Bullington, Denning and Jones
 Voting Nay: None

First reading of Ordinance No. BG2004 - 44 was approved by unanimous vote.

ORDINANCE NO. BG2004 - 45

(First 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 - 45 was read by the City Clerk. Assistant to the HCD Director-Special Projects Alice Burks reviewed the recommended changes to the Chapter 99 Plan which would primarily update the project activities and future land use maps to reflect current projects, including the Southern Kentucky Performing Arts Center (SKYPAC), baseball field, expansion of the Parks and Recreation Community Center and LifeSkills.

Comm. Bullington read a prepared statement which related directly to the LifeSkills project. He stated that in his opinion the Board of Commissioners had previously based its decision for approval of the LifeSkills project on erroneous information, including the inability to release and sell property currently being leased by LifeSkills, the project not being in compliance with the Master Plan, the potential forfeiture of grant funds for not consulting with the state Historic Preservation Board, the need to have consulted with the Downtown Redevelopment Authority, the actual value of a lease that does not exist, and the minimal number of jobs that are expected to locate in the downtown.

He further stated that since City staff misled the Commission and since LifeSkills cannot perform their part of the agreement to release the City from the lease, then the entire arrangement as approved by the Board of Commissioners should be void. Bullington then made a motion, which was seconded by Palmer, to **table** first reading of said Ordinance. With no further discussion, a roll call vote was taken.

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

Motion to **table** Ordinance No. BG2004 - 45 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2004 - 219

MUNICIPAL ORDER APPROVING THE APPOINTMENT OF MARSHALL L. GRAY, JR., AND THE REAPPOINTMENTS OF HOWARD E. BAILEY, CORA MACK, SUSAN MCKENNA AND C. J. WOODS TO THE HUMAN RIGHTS COMMISSION

Summary of Municipal Order No. 2004 - 219 was read by the City Clerk. Mayor Jones recommended the appointment and reappointments. 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: Hall, Palmer, Bullington, Denning and Jones
 Voting Nay: None

Municipal Order No. 2004 - 219 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2004 - 220

MUNICIPAL ORDER AUTHORIZING AND ACCEPTING BID #2005-05 FOR A BOBCAT SKID STEER LOADER FROM JEFFERDS CORPORATION OF BOWLING GREEN, KENTUCKY IN THE AMOUNT OF \$30,741

Summary of Municipal Order No. 2004 - 220 was read by the City Clerk. Public Works Director Emmett Wood stated that one bid was received and subsequently recommended for approval. 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: Hall, Palmer, Bullington, Denning and Jones
 Voting Nay: None

Municipal Order No. 2004 - 220 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2004 - 221

MUNICIPAL ORDER ACCEPTING AND RATIFYING ACTIONS OF CITY OFFICIALS IN EXECUTING GRANT AGREEMENT AMONG THE BOWLING GREEN-WARREN COUNTY REGIONAL AIRPORT BOARD, THE CITY OF BOWLING GREEN, WARREN COUNTY AND THE FEDERAL AVIATION ADMINISTRATION RELATED

TO APRON REHABILITATION AND OTHER AIRPORT
IMPROVEMENTS

Summary of Municipal Order No. 2004 - 221 was read by the City Clerk. Coates explained that the City and the County share in the funding of a local match for the airport grants. 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 - 221 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2004 - 222

MUNICIPAL ORDER ACCEPTING AND RATIFYING ACTIONS OF
CITY OFFICIALS IN EXECUTING GRANT AGREEMENT AMONG
THE BOWLING GREEN-WARREN COUNTY REGIONAL AIRPORT
BOARD, THE CITY OF BOWLING GREEN, WARREN COUNTY
AND THE FEDERAL AVIATION ADMINISTRATION RELATED
TO UPDATE OF AIRPORT MASTER PLAN STUDY

Summary of Municipal Order No. 2004 - 222 was read by the City Clerk. 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: Hall, Palmer, Bullington, Denning and Jones
Voting Nay: None

Municipal Order No. 2004 - 222 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2004 - 223

MUNICIPAL ORDER APPROVING THE PROBATIONARY
APPOINTMENT OF MATTHEW STEVEN SILLS TO THE
POSITION OF PARKS FACILITIES MAINTAINER IN THE PARKS
AND RECREATION DEPARTMENT

Summary of Municipal Order No. 2004 - 223 was read by the City Clerk. Human Resources Director Michele Tolbert reviewed the position and qualifications of the recommended applicant. 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 - 223 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2004 - 224

MUNICIPAL ORDER AUTHORIZING THE MAYOR TO EXECUTE
AN AMENDMENT TO THE AGREEMENT WITH WESTERN
KENTUCKY UNIVERSITY FOR PROVIDING A LEAF

COMPOSTING SYSTEM FOR THE CITY OF BOWLING GREEN,
KENTUCKY

Summary of Municipal Order No. 2004 - 224 was read by the City Clerk. Coates stated that this was an annual renewal with shared profits for the sale of compost. 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 - 224 was approved by unanimous vote.

ORDINANCE NO. BG2004 - 46
(First Reading)
ORDINANCE REZONING REAL ESTATE

ORDINANCE REZONING A TRACT OF LAND CONTAINING 3.43 ACRES FROM AG (AGRICULTURE) TO RM-4 (MULTI-FAMILY RESIDENTIAL) LOCATED AT 5560 RUSSELLVILLE ROAD, WITH BINDING ELEMENTS, PRESENTLY OWNED BY TRAUGHBER & CORNETT, LLC

Title and summary of Ordinance No. BG2004 - 46 was read by the City Clerk. Gillies reviewed the rezoning and associated binding elements. 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: Hall, Palmer, Bullington, Denning and Jones
 Voting Nay: None

First reading of Ordinance No. BG2004 - 46 was approved by unanimous vote.

ORDINANCE NO. BG2004 - 47
(First Reading)
ORDINANCE REZONING REAL ESTATE

ORDINANCE REZONING A TRACT OF LAND CONTAINING 23.04 ACRES FROM RM-2 (TWO FAMILY RESIDENTIAL) TO RM-4 (MULTI-FAMILY RESIDENTIAL) LOCATED AT THE END OF CREEKWOOD DRIVE, WITH BINDING ELEMENTS, PRESENTLY OWNED BY DEVELOPING PARTNERS, LLC

Title and summary of Ordinance No. BG2004 - 47 was read by the City Clerk. Gillies reviewed the recommended rezoning and required binding elements. Motion was made by Bullington 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 - 47 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2004 - 225

MUNICIPAL ORDER APPROVING THE PROBATIONARY APPOINTMENT OF EMILEE CECILLE ISTRE TO THE POSITION OF HELP DESK SPECIALIST IN THE INFORMATION TECHNOLOGY DEPARTMENT

Summary of Municipal Order No. 2004 - 225 was read by the City Clerk. Tolbert reviewed the position and qualifications of the recommended applicant. 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 - 225 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2004 - 226

MUNICIPAL ORDER AUTHORIZING THE MAYOR TO EXECUTE A LEASE AGREEMENT WITH BOWLING GREEN INTERNATIONAL FESTIVAL, INC. TO LEASE FOUNTAIN SQUARE PARK ON SEPTEMBER 25, 2004

Summary of Municipal Order No. 2004 - 226 was read by the City Clerk. 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: Hall, Palmer, Bullington, Denning and Jones
 Voting Nay: None

Municipal Order No. 2004 - 226 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2004 - 227

MUNICIPAL ORDER AUTHORIZING AND ACCEPTING BID #2005-03 FOR WAKEFIELD AVENUE SIDEWALK, CURB AND GUTTER REPLACEMENT FROM IKON CONSTRUCTION OF BOWLING GREEN, KENTUCKY IN THE AMOUNT OF \$71,205

Summary of Municipal Order No. 2004 - 227 was read by the City Clerk. Wood indicated that this recommendation was based on lowest bid and would be for sidewalks on one side of the street. 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: Hall, Palmer, Bullington, Denning and Jones
 Voting Nay: None

Municipal Order No. 2004 - 227 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2004 - 228

MUNICIPAL ORDER AUTHORIZING THE PURCHASE OF
TRAFFIC CONTROL PRODUCTS FROM 3M, INC. OF CHICAGO,
ILLINOIS AT A COST OF \$40,000

Summary of Municipal Order No. 2004 - 228 was read by the City Clerk. Mayor Jones stated that this was a standard annual appropriation. 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 - 228 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2004 - 229

MUNICIPAL ORDER AUTHORIZING THE ACCEPTANCE OF
ASSISTANCE FROM THE U.S. ARMY CORPS OF ENGINEERS
FOR THE PREPARATION OF A CONCEPTUAL DESIGN MASTER
PLAN FOR AN OLYMPIC WHITEWATER COURSE ON THE
BARREN RIVER

Summary of Municipal Order No. 2004 - 229 was read by the City Clerk. Greenways Coordinator Helen Siewers reviewed the project which would be referred to as Phase IV of the Riverfront Park development. John Beaver, president of the local Kentucky Paddlers Club, responded to questions regarding the potential for a tourist attraction. 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: Hall, Palmer, Bullington, Denning and Jones
 Voting Nay: None

Municipal Order No. 2004 - 229 was approved by unanimous vote.

ORDINANCE NO. BG2004 - 48

(First Reading)

ORDINANCE RELATING TO PROPERTY TAX RATES

ORDINANCE SETTING 2004 PROPERTY TAX RATES,
FRANCHISE TAX RATES AND IMPROVEMENT ASSESSMENT
RATES, AND SETTING FORTH GUIDELINES FOR PAYMENT,
PENALTY AND INTEREST

Title and summary of Ordinance No. BG2004 - 48 was read by the City Clerk. Mayor Jones stated that this item was previously discussed as part of the public hearing. 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: Hall, Palmer, Bullington, Denning and Jones
 Voting Nay: None

First reading of Ordinance No. BG2004 - 48 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2004 - 230

MUNICIPAL ORDER APPROVING SCHEDULE OF FAIR MARKET VALUE FOR PROPERTY TO BE ACQUIRED IN THE HISTORIC DOWNTOWN BOWLING GREEN REDEVELOPMENT AREA AND AUTHORIZING THE ACQUISITION OF THE PROPERTY AT THE ESTABLISHED VALUE

Summary of Municipal Order No. 2004 - 230 was read by the City Clerk. Burks reviewed the funding and requirement for appraisals, as well as the time constraints by the developer. 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: Hall, Palmer, Bullington, Denning and Jones
 Voting Nay: None

Municipal Order No. 2004 - 230 was approved by unanimous vote.

ADJOURNMENT

Mayor Jones announced that September 21, 2004 was the next scheduled meeting of the Board. There being no further business to come before the Board of Commissioners, at approximately 8:35 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