

**MINUTES of REGULAR MEETING  
of the BOARD of COMMISSIONERS  
of the CITY of BOWLING GREEN, KENTUCKY  
held DECEMBER 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 December 7, 2004. Mayor Sandy Jones called the meeting to order. An invocation was given by Mike Holian, 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.

**RECOGNITIONS**

With the assistance of Hydrologist Tim Slattery, Mayor Jones presented three Certifications of Achievement for outstanding contributions to the Phase II Stormwater Program by helping to lead the way to improved water quality and quality of life for citizens of Bowling Green. Those recognized included the Alive Center, Troop 79 and Green River Grotto for their stormwater cleanup efforts.

**PUBLIC COMMENTS**

Marshall Love asked if there were any answers to his concerns expressed at the previous meeting and stated further concerns regarding his perceived lack of cleanup efforts at Fountain Square Park and lack of communication among City and State agencies, particularly concerning pothole covers.

**PRESENTATIONS**

Bowling Green Human Rights Commission Director Linda McCray gave a presentation regarding the agency's accomplishments/achievements completed during the past year and plans for the coming year, including fair housing education and outreach, new horizons job bank, public service TV programs and discrimination complaint activities. Ms. McCray responded to questions regarding attendance at fair housing workshops, involvement by landlords, number of complaints dismissed and the complaint trend over the past year.

Public Works Director Emmett Wood introduced Hydrologist Tim Slattery who provided an update of the NPDES Phase II Stormwater compliance progress. Mr. Slattery reviewed the six control measures: (1) public education and outreach, (2) public involvement and participation, (3) illicit discharge detection and elimination, (4) construction site stormwater runoff control, (5) post-construction stormwater management, and (6) pollution prevention/good housekeeping for municipal operations, in addition to reviewing the Backyard Capital Improvement Program (CIP) and upcoming events. Mr. Wood commented about the cost sharing opportunities with the various co-permittees.

**CITY MANAGER**

City Manager Charles W. Coates requested the addition of a late-filed Ordinance and

Municipal Order to the agenda. Motion was made by Denning and seconded by Palmer to add Ordinance No. BG2004-68 and Municipal Order No. 2004-293 to the agenda for consideration. Jones called for roll call vote.

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

Motion to add Ordinance No. BG2004-68 and Municipal Order No. 2004-293 to the agenda was approved by unanimous vote.

#### APPROVAL OF MINUTES

#### Minutes of Regular Meeting November 16, 2004 and Special Meeting November 18, 2004

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

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

Motion to approve the minutes of the regular meeting of November 16, 2004 and special meeting of November 18, 2004 was approved by unanimous vote.

#### ORDINANCE NO. BG2004 - 54

(Second Reading)

#### ORDINANCE CLOSING A PUBLIC WAY

ORDINANCE APPROVING THE CLOSING OF A RIGHT-OF-WAY  
OF A 0.39 ACRE TRACT OF THE UNCONSTRUCTED RUGBY  
DRIVE LOCATED 382 FEET SOUTHEAST FROM THE  
INTERSECTION OF US 231 AND CHERRY FARM LANE

Title and summary of Ordinance No. BG2004 - 54 was read by City Clerk Katie Schaller. Motion was made by Palmer and seconded by Denning for second reading of said Ordinance. Mayor Jones asked for discussion, and with none, a roll call vote was taken.

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

Ordinance No. BG2004 - 54 was adopted by unanimous vote.

#### ORDINANCE NO. BG2004 - 55

(Second Reading)

#### ORDINANCE RENAMING STREET

ORDINANCE APPROVING THE RENAMING OF LILAC COURT  
AND LILAC STREET TO PARKWOOD COURT AND PARKWOOD  
STREET

Title and summary of Ordinance No. BG2004 - 55 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: Denning, Hall, Palmer, Bullington and Jones

Voting Nay: None

Ordinance No. BG2004 – 55 was adopted by unanimous vote.

ORDINANCE NO. BG2004 – 56  
(Second Reading)  
ORDINANCE REZONING REAL ESTATE

ORDINANCE REZONING A TRACT OF LAND CONTAINING 0.24 ACRE FROM RM-3 (MULTI-FAMILY RESIDENTIAL) TO OP-R (OFFICE PROFESSIONAL-RESIDENTIAL) LOCATED AT 441 CHURCH AVENUE, WITH BINDING ELEMENTS, PRESENTLY OWNED BY THE HOUSING AUTHORITY OF BOWLING GREEN; FAMILY ENRICHMENT CENTER, CONTRACT VENDEE

Title and summary of Ordinance No. BG2004 - 56 was read by the City Clerk. Motion was made by Palmer and seconded by Denning for second reading of said Ordinance. Mayor Jones asked for discussion, and with none, a roll call vote was taken.

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

Ordinance No. BG2004 - 56 was adopted by unanimous vote.

ORDINANCE NO. BG2004 – 57  
(Second Reading)  
ORDINANCE REZONING REAL ESTATE

ORDINANCE REZONING A TRACT OF LAND CONTAINING 10 ACRES FROM AG (AGRICULTURE) TO HB (HIGHWAY BUSINESS) LOCATED ON THREE SPRINGS ROAD, WITH BINDING ELEMENTS, PRESENTLY OWNED BY FLEA LAND, INC., A KENTUCKY CORPORATION

Title and summary of Ordinance No. BG2004 - 57 was read by the City Clerk. Motion was made by Bullington and seconded by Denning for second reading of said Ordinance. Mayor Jones asked for discussion, and with none, a roll call vote was taken.

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

Ordinance No. BG2004 - 57 was adopted by unanimous vote.

ORDINANCE NO. BG2004 – 58  
(Second Reading)  
ORDINANCE REZONING REAL ESTATE

ORDINANCE REZONING TWO TRACTS OF LAND CONTAINING 2.5497 ACRES FROM RS-1A (SINGLE FAMILY RESIDENTIAL) TO OP-R (OFFICE PROFESSIONAL-RESIDENTIAL) AND LI (LIGHT INDUSTRY) LOCATED AT 1151 OLD PORTER PIKE, WITH BINDING ELEMENTS, PRESENTLY OWNED BY PARKER

MILLER AND FAYE MILLER; DIVISION I CAPITAL, LLC,  
CONTRACT VENDEE

Title and summary of Ordinance No. BG2004 - 58 was read by the City Clerk. Motion was made by Hall 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: Denning, Hall, Palmer, Bullington and Jones  
                  Voting Nay: None

Ordinance No. BG2004 - 58 was adopted by unanimous vote.

ORDINANCE NO. BG2004 - 59  
(Second Reading)  
ORDINANCE REZONING REAL ESTATE

ORDINANCE REZONING A TRACT OF LAND CONTAINING 0.69  
ACRE FROM AG (AGRICULTURE) TO HB (HIGHWAY BUSINESS)  
LOCATED AT 291 GREENWOOD LANE, WITH BINDING  
ELEMENTS, PRESENTLY OWNED BY JOE BETTERSWORTH

Title and summary of Ordinance No. BG2004 - 59 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: Denning, Hall, Palmer, Bullington and Jones  
                  Voting Nay: None

Ordinance No. BG2004 - 59 was adopted by unanimous vote.

ORDINANCE NO. BG2004 - 61  
(Second Reading)  
ORDINANCE AMENDING CODE OF ORDINANCES

ORDINANCE AMENDING CHAPTER 11 (FINANCE, TAXATION  
AND ECONOMIC DEVELOPMENT) OF THE CITY OF BOWLING  
GREEN CODE OF ORDINANCES TO INCREASE THE RETURNED  
CHECK CHARGE, TO DENOTE NATIONAL CORVETTE  
MUSEUM FOUNDATION, INC. AS THE CITY'S AGENCY  
RELATED TO THE REFUNDING OF THE CORVETTE MUSEUM  
BONDS AND TO MAKE ADMINISTRATIVE CHANGES RELATED  
TO AMENDMENTS TO THE KENTUCKY REVISED STATUTES

Title and summary of Ordinance No. BG2004 - 61 was read by the City Clerk. Motion was made by Hall 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: Denning, Hall, Palmer, Bullington and Jones  
                  Voting Nay: None

Ordinance No. BG2004 - 61 was adopted by unanimous vote.

MUNICIPAL ORDER NO. 2004 - 286

MUNICIPAL ORDER APPROVING THE REAPPOINTMENT OF  
RODNEY D. VEITSCHEGGER, SR. TO THE ADMINISTRATIVE  
APPEALS BOARD

Summary of Municipal Order No. 2004 - 286 was read by the City Clerk. Mayor Jones recommended the reappointment. 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: Denning, Hall, Palmer, Bullington and Jones  
                          Voting Nay: None

Municipal Order No. 2004 - 286 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2004 - 287

MUNICIPAL ORDER APPROVING THE REAPPOINTMENT OF  
CHESTER REDMON TO THE BOWLING GREEN BOARD OF  
ETHICS

Summary of Municipal Order No. 2004 - 287 was read by the City Clerk. Mayor Jones recommended the reappointment. 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: Denning, Hall, Palmer, Bullington and Jones  
                          Voting Nay: None

Municipal Order No. 2004 - 287 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2004 - 288

MUNICIPAL ORDER AUTHORIZING A CONTRIBUTION FROM  
THE CITY'S GENERAL FUND IN THE AMOUNT OF \$209,000 TO  
THE BOWLING GREEN POLICE AND FIREFIGHTERS  
RETIREMENT FUND FOR FISCAL YEAR 2005

Summary of Municipal Order No. 2004 - 288 was read by the City Clerk. Chief Financial Officer Davis Cooper stated that this closed fund required a contribution from the City in order to grant a three percent cost of living increase to the annuitants. 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: Denning, Hall, Palmer, Bullington and Jones  
                          Voting Nay: None

Municipal Order No. 2004 - 288 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2004 - 289

MUNICIPAL ORDER AUTHORIZING AND ACCEPTING BID #2005-22 FOR CITY HALL CEILING AND ROOF REPAIR FROM CENTURY CONSTRUCTION OF BOWLING GREEN, KENTUCKY IN THE AMOUNT OF \$49,527

Summary of Municipal Order No. 2004 - 289 was read by the City Clerk. Coates stated that the need to replace the ceiling in the Chamber will require various meetings normally held in the Chamber to be temporarily relocated to the Warren County Fiscal Court Room or some other venue. 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: Denning, Hall, Palmer, Bullington and Jones  
Voting Nay: None

Municipal Order No. 2004 - 289 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2004 - 290

MUNICIPAL ORDER APPROVING A PROFESSIONAL SERVICES CONTRACT THROUGH NONCOMPETITIVE NEGOTIATIONS WITH THE CITY-COUNTY PLANNING COMMISSION FOR PLANIMETRIC AND TOPOGRAPHIC MAPPING IN AN AMOUNT NOT TO EXCEED \$26,905

Summary of Municipal Order No. 2004 - 290 was read by the City Clerk. GIS Manager Kyle Bearden described the mapping project and the ability to partner with other agencies to share in the costs. 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: Denning, Hall, Palmer, Bullington and Jones  
Voting Nay: None

Municipal Order No. 2004 - 290 was approved by unanimous vote.

ORDINANCE NO. BG2004 - 63

(First Reading)

ORDINANCE AMENDING CODE OF ORDINANCES

ORDINANCE AMENDING CHAPTERS 21 (STREETS AND SIDEWALKS) AND 27 (PROPERTY CODE) OF THE CITY OF BOWLING GREEN CODE OF ORDINANCES RELATED TO THE REGULATION OF STORM WATER DISCHARGES

Title and summary of Ordinance No. BG2004 - 63 was read by the City Clerk. City Engineer Jeff Lashlee reviewed the recommended changes which would fulfill regulatory requirements. 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: Denning, Hall, Palmer, Bullington and Jones  
Voting Nay: None

First reading of Ordinance No. BG2004 - 63 was approved by unanimous vote.

ORDINANCE NO. BG2004 - 64  
(First Reading)  
ORDINANCE AMENDING CODE OF ORDINANCES

ORDINANCE AMENDING CHAPTER 22 (TRAFFIC AND MOTOR  
VEHICLES) OF THE CITY OF BOWLING GREEN CODE OF  
ORDINANCES TO ESTABLISH A SPEED LIMIT OF TWENTY-  
FIVE MILES PER HOUR FOR DESIGNATED CITY STREETS

Title and summary of Ordinance No. BG2004 - 64 was read by the City Clerk. Lashlee stated that the former Traffic Commission made a recommendation in the 1990s to provide a speed limit restriction in residential areas, which was not previously formalized by the Board of Commissioners. Wood explained that not every street would require signage since the entrance to each residential area is signed. Motion was made by Hall and seconded by Bullington 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: Denning, Hall, Palmer, Bullington and Jones  
                          Voting Nay: None

First reading of Ordinance No. BG2004 - 64 was approved by unanimous vote.

ORDINANCE NO. BG2004 - 65  
(First Reading)  
ORDINANCE APPROVING INTERLOCAL COOPERATION AGREEMENT

ORDINANCE APPROVING AND AUTHORIZING THE MAYOR TO  
EXECUTE AN INTERLOCAL COOPERATION AGREEMENT WITH  
VARIOUS PHASE II PERMITTEES RELATED TO DEVELOPMENT  
OF A BEST MANAGEMENT PRACTICES MANUAL

Title and summary of Ordinance No. BG2004 - 65 was read by the City Clerk. Lashlee stated that this agreement is required as part of the stormwater permitting process. 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: Denning, Hall, Palmer, Bullington and Jones  
                          Voting Nay: None

First reading of Ordinance No. BG2004 - 65 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2004 - 291

MUNICIPAL ORDER APPROVING THE RENAISSANCE VILLAGE  
PROJECT AGREEMENT WITH HOUSING ASSISTANCE AND  
DEVELOPMENT SERVICES, INC. AND MELCO DEVELOPMENT  
LLC RELATED TO AN ELDERLY HOUSING PROJECT;  
DECLARING 516 EAST THIRD AVENUE AS SURPLUS  
PROPERTY REQUIRED FOR THIS PROJECT AND AUTHORIZING

SALE OF 516 EAST THIRD AVENUE TO HOUSING ASSISTANCE  
AND DEVELOPMENT SERVICES, INC.

Summary of Municipal Order No. 2004 - 291 was read by the City Clerk. Housing and Community Development Director Alice Burks reviewed the project and development of the Renaissance Village which will include 34 units in the first phase. 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: Denning, Hall, Palmer, Bullington and Jones  
                          Voting Nay: None

Municipal Order No. 2004 - 291 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2004 - 292

MUNICIPAL ORDER ACCEPTING AND ADOPTING REVISIONS  
TO THE BOWLING GREEN POLICE POLICY AND PROCEDURE  
MANUAL, 2004 EDITION

Summary of Municipal Order No. 2004 - 292 was read by the City Clerk. Deputy Police Chief Jerry Wells reviewed the requirements for adoption and highlighted a few of the more significant changes. 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: Denning, Hall, Palmer, Bullington and Jones  
                          Voting Nay: None

Municipal Order No. 2004 - 292 was approved by unanimous vote.

ORDINANCE NO. BG2004 - 66

(First Reading)

ORDINANCE AMENDING CODE OF ORDINANCES

ORDINANCE AMENDING CHAPTER 10 (ELECTRICITY) OF THE  
CITY OF BOWLING GREEN CODE OF ORDINANCES TO DELETE  
REFERENCES TO THE BOARD OF ELECTRICAL EXAMINERS  
AND THE ISSUANCE OF LICENSES TO ELECTRICIANS AND TO  
MAKE VARIOUS ADMINISTRATIVE AMENDMENTS

Title and summary of Ordinance No. BG2004 - 66 was read by the City Clerk. City Attorney Gene Harmon explained that changes in state statutes required amendment of the City's electrical inspection program. 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: Denning, Hall, Palmer, Bullington and Jones  
                          Voting Nay: None

First reading of Ordinance No. BG2004 - 66 was approved by unanimous vote.



ORDINANCE NO. BG2004 - 67

(First Reading)

ORDINANCE AMENDING CODE OF ORDINANCES

ORDINANCE AMENDING CHAPTER 18 (OCCUPATIONAL LICENSE FEES AND TAXES), SUBCHAPTER 18-14 (TRANSIENT ROOM TAX) OF THE CITY OF BOWLING GREEN CODE OF ORDINANCES RELATED TO THE HOLIDAY INN UNIVERSITY PLAZA TRANSIENT ROOM TAX DISTRIBUTION

Title and summary of Ordinance No. BG2004 - 67 was read by the City Clerk. Commissioner Bullington stated that since the Convention Center projected a revenue surplus, then the Convention and Visitors Bureau (CVB) should receive its portion of the transient room tax back to fund special projects. Bowling Green Area Convention and Visitors Bureau Director Gary West described several special projects which could be funded by leveraging the approximately \$150,000. Mayor Jones expressed concern in making a policy change that might impact the City's general fund and not having ample time to research the issue. Cooper responded to questions regarding ongoing maintenance needs of the Convention Center and when the bonds for the Center and the golf course would be paid off. 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: Denning, Palmer and Bullington

Voting Nay: Hall and Jones

First reading of Ordinance No. BG2004 - 67 was approved by majority vote.

ORDINANCE NO. BG2004 - 68

(First Reading)

ORDINANCE RELATING TO EXEMPTION FROM AD VALOREM TAXATION

ORDINANCE EXEMPTING REAL AND PERSONAL PROPERTY OF RETAIL LOGIC, INC. FROM AD VALOREM TAXATION PURSUANT TO KRS 92.300 UNTIL DECEMBER 31, 2009

Title and summary of Ordinance No. BG2004 - 68 was read by the City Clerk. Cooper stated that state statute allowed the City to provide an inducement of up to five years for the location of a facility in the City. 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: Denning, Hall, Palmer, Bullington and Jones

Voting Nay: None

First reading of Ordinance No. BG2004 - 68 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2004 - 293

MUNICIPAL ORDER APPROVING A JOB DEVELOPMENT INCENTIVE FUND EMPLOYEE WITHHOLDINGS CREDIT AGREEMENT WITH RETAIL LOGIC, INC.

*(Minutes-Board of Commissioners-December 7, 2004)*

Summary of Municipal Order No. 2004 - 293 was read by the City Clerk. Cooper indicated that this company would provide 340 new jobs and would keep three-fourths of its employee withholdings as an incentive. 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: Denning, Hall, Palmer, Bullington and Jones  
                          Voting Nay: None

Municipal Order No. 2004 - 293 was approved by unanimous vote.

#### ADJOURNMENT

Mayor Jones announced that December 21, 2004 was the next scheduled meeting of the Board and that it would be held in the Fiscal Court Room at the Warren County Courthouse. There being no further business to come before the Board of Commissioners, at approximately 9:15 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*