

**MINUTES of SPECIAL MEETING
of the BOARD of COMMISSIONERS
of the CITY of BOWLING GREEN, KENTUCKY
held DECEMBER 21, 2004**

The Board of Commissioners of the City of Bowling Green, Kentucky met in special session in the Fiscal Court Room of the Warren County Courthouse, Bowling Green, Kentucky at 7:00 p.m. on December 21, 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 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 HEARING

Housing and Community Development Director Alice Burks conducted a public hearing for the purpose of reviewing past use of funds and program performance for the Downtown Revitalization Renaissance I Project funded in part by the Kentucky Community Development Block Grant (CDBG) program. There were no public comments.

PRESENTATION

Neighborhood Action Coordinator Karen Foley provided a recap of the 2004 Summer Stroll Program, including a highlight of things that were new or different from previous years.

CITY MANAGER

City Manager Charles W. Coates commented about the December 14, 2004 Shawnee Subdivision traffic calming sensing session. Assistant City Engineer Melissa Cansler reviewed the traffic study process undertaken to date and the proposed solution to close a portion of Navajo Drive and Lost River Lane to address the neighborhood's traffic concerns. Following discussion regarding the next step in the process, Coates stated that the City will survey property owners who are located on the portion of right-of-way proposed to be closed and submit a letter to the Planning Commission requesting further review and recommendation of closure.

APPROVAL OF MINUTES

Minutes of Regular Meeting December 7, 2004

Minutes of the above-referenced meeting were distributed to the Board of Commissioners with the Agenda for their review. Motion was made by Hall and seconded by Palmer 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 December 7, 2004 was approved by unanimous vote.

ORDINANCE NO. BG2004 - 63

(Second 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 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: Hall, Palmer, Bullington, Denning and Jones
 Voting Nay: None

Ordinance No. BG2004 - 63 was adopted by unanimous vote.

ORDINANCE NO. BG2004 - 64

(Second 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. 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: Hall, Palmer, Bullington, Denning and Jones
 Voting Nay: None

Ordinance No. BG2004 - 64 was adopted by unanimous vote.

ORDINANCE NO. BG2004 - 65

(Second 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. Motion was made by Denning and seconded by Hall 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 - 65 was adopted by unanimous vote.

ORDINANCE NO. BG2004 - 66

(Second 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. Motion was made by Bullington and seconded by Hall 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 - 66 was adopted by unanimous vote.

ORDINANCE NO. BG2004 - 67

(Second 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. Mayor Jones stated that she was not opposed to any special projects; however, she expressed concern that the action was not properly thought through with any development plans or funding plans in place. In response to questions, Bowling Green Area Convention and Visitors Bureau Director Gary West assured the Board that there would be a plan of action with every project. Comm. Hall stated he was also not opposed to the special projects mentioned; however, he was concerned with the next special project to come forth and what kind of criteria would be used to determine if that project should be considered. Comm. Bullington stated that the issue under consideration was not to approve any of the special projects at this time, but to place the collected funds in a special account for tourism projects. Once all discussion ended, motion was made by Denning and seconded by Bullington for second reading of said Ordinance. With none no further discussion, a roll call vote was taken.

ROLL CALL: Voting Yea: Palmer, Bullington and Denning

Voting Nay: Hall and Jones

Ordinance No. BG2004 - 67 was adopted by majority vote.

ORDINANCE NO. BG2004 - 68

(Second 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. 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: Hall, Palmer, Bullington, Denning and Jones
 Voting Nay: None

Ordinance No. BG2004 - 68 was adopted by unanimous vote.

MUNICIPAL ORDER NO. 2004 - 294

MUNICIPAL ORDER APPROVING THE REAPPOINTMENT OF
MAXINE LOGSDON TO THE BOWLING GREEN BOARD OF
ETHICS

Summary of Municipal Order No. 2004 - 294 was read by the City Clerk. Mayor Jones recommended this reappointment. 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 - 294 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2004 - 295

MUNICIPAL ORDER ACCEPTING AND ADOPTING THE 2004
FIRE DEPARTMENT POLICY AND PROCEDURE MANUAL
UPDATE

Summary of Municipal Order No. 2004 - 295 was read by the City Clerk. Deputy Fire Chief Walter Jordan indicated that minor changes were recommended as a result of the accreditation review process. 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 - 295 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2004 - 296

MUNICIPAL ORDER AUTHORIZING AND ACCEPTING BID
#2005-09 FOR SPRINKLER SYSTEM INSTALLATION FOR
AIRPORT, NORTHSIDE AND HEADQUARTERS FIRE STATIONS
FROM OHIO VALLEY SPRINKLERS OF HENDERSON LLC OF
OWENSBORO, KENTUCKY IN THE AMOUNT OF \$131,626

Summary of Municipal Order No. 2004 - 296 was read by the City Clerk. Jordan stated that most of the cost would be paid from the second half of a 2003 fire grant. 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 - 296 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2004 - 297

MUNICIPAL ORDER AUTHORIZING THE ACCEPTANCE OF GRANT FUNDS FROM THE APPALACHIA HIGH INTENSITY DRUG TRAFFICKING AREA (HIDTA) THROUGH THE OFFICE OF NATIONAL DRUG CONTROL POLICY IN THE AMOUNT OF \$28,230

Summary of Municipal Order No. 2004 - 297 was read by the City Clerk. Police Office Associate Heather Plowman stated this grant would be used to pay overtime costs for two Police Officers assigned to the Drug Task Force. 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 - 297 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2004 - 298

MUNICIPAL ORDER APPROVING THE REAPPOINTMENT OF JIM JOHNSON TO THE BOWLING GREEN PUBLIC LIBRARY BOARD OF TRUSTEES

Summary of Municipal Order No. 2004 - 298 was read by the City Clerk. Mayor Jones recommended this reappointment. 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: Hall, Palmer, Bullington, Denning and Jones
 Voting Nay: None

Municipal Order No. 2004 - 298 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2004 - 299

MUNICIPAL ORDER APPROVING THE PROBATIONARY APPOINTMENT OF CARLTON CALVIN BLANKENSHIP TO THE POSITION OF LANDSCAPE GARDENER FOR THE PARKS AND RECREATION DEPARTMENT, LANDSCAPE DIVISION

Summary of Municipal Order No. 2004 - 299 was read by the City Clerk. Human Resources Director Michele Tolbert reviewed the new position and 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 - 299 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2004 – 300

MUNICIPAL ORDER AUTHORIZING AND ACCEPTING BID #2005-25 FOR ROCK SALT WITH ANTI-CAKING AGENT FROM NORTH AMERICAN SALT COMPANY OF OVERLAND PARK, KANSAS AND LIQUID CALCIUM CHLORIDE FROM BRENNTAG MID-SOUTH, INC. OF HENDERSON, KENTUCKY FOR THE PUBLIC WORKS DEPARTMENT, OPERATIONS DIVISION, IN THE TOTAL AMOUNT OF \$44,437.50

Summary of Municipal Order No. 2004 - 300 was read by the City Clerk. Operations Division Manager Bobby Phelps responded to questions regarding the amount and use of these products. 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 - 300 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2004 – 301

MUNICIPAL ORDER AUTHORIZING AND ACCEPTING BID #2005-26 FOR CONCRETE FROM IRVING MATERIALS INC. (IMI) OF BOWLING GREEN, KENTUCKY FOR THE PUBLIC WORKS DEPARTMENT, OPERATIONS DIVISION, IN THE AMOUNT OF \$37,050

Summary of Municipal Order No. 2004 - 301 was read by the City Clerk. Mayor Jones stated this was an annual allocation. 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 - 301 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2004 – 302

MUNICIPAL ORDER AUTHORIZING AND ACCEPTING BID #2005-23 FOR CLEANING VACUUMING MACHINE/COMBINATION SEWER CLEANER FROM DEED'S

EQUIPMENT COMPANY, INC. OF LAWRENCE, INDIANA FOR
THE PUBLIC WORKS DEPARTMENT, OPERATIONS DIVISION,
IN THE AMOUNT OF \$209,947

Summary of Municipal Order No. 2004 - 302 was read by the City Clerk. Phelps stated that this purchase was to replace existing equipment due to age, and the new equipment would be able to perform more functions. 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 - 302 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2004 - 303

MUNICIPAL ORDER APPROVING A CONTRACT THROUGH
NONCOMPETITIVE NEGOTIATIONS WITH BOWLING GREEN
MUNICIPAL UTILITIES (BGMU) FOR UTILITY RELOCATION
AND INSTALLATION AT KEN BALE BOULEVARD IN THE
AMOUNT OF \$95,070

Summary of Municipal Order No. 2004 - 303 was read by the City Clerk. Special Operations Coordinator Derek Gay reviewed the need for utility work to be completed. 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 - 303 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2004 - 304

MUNICIPAL ORDER AUTHORIZING A PROFESSIONAL
SERVICES CONTRACT THROUGH NONCOMPETITIVE
NEGOTIATIONS WITH SOUTHERN KENTUCKY INSPECTION
AGENCY, INC. OF GLASGOW, KENTUCKY FOR PLAN REVIEW
SERVICES AT AN ESTIMATED COST OF \$40,000

Summary of Municipal Order No. 2004 - 304 was read by the City Clerk. Burks reviewed the position vacancy for a Plan Reviewer and the inability to hire a full-time person. She stated that since these services would exceed \$25,000 after the first of the year, the Board was required to approve its continuation. In response to a question, Tolbert reviewed the recruitment process undertaken to seek qualified applicants. 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 - 304 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2004 - 305

MUNICIPAL ORDER AUTHORIZING A PROFESSIONAL SERVICES CONTRACT THROUGH NONCOMPETITIVE NEGOTIATIONS WITH DUNCAN APPRAISAL COMPANY OF BOWLING GREEN, KENTUCKY FOR APPRAISAL SERVICES NOT TO EXCEED \$53,000

Summary of Municipal Order No. 2004 - 305 was read by the City Clerk. Burks stated this was a continuation of a previous contract for services. 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 - 305 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2004 - 306

MUNICIPAL ORDER APPROVING THE PROBATIONARY APPOINTMENT OF LARETA NICHOLE BIBB TO THE POSITION OF POLICE OFFICER IN THE POLICE DEPARTMENT

Summary of Municipal Order No. 2004 - 306 was read by the City Clerk. Tolbert reviewed the recommended applicant's qualifications. 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 - 306 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2004 - 307

MUNICIPAL ORDER AUTHORIZING CHANGE ORDERS 1 AND 2 TO THE CONTRACT WITH SCOTTY'S CONTRACTING AND STONE, LLC FOR CONSTRUCTION OF KEN BALE BOULEVARD IN THE AMOUNT OF \$105,212

Summary of Municipal Order No. 2004 - 307 was read by the City Clerk. Gay reviewed the construction project, its anticipated completion in May 2005, and the additional 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: Hall, Palmer, Bullington, Denning and Jones
Voting Nay: None

Municipal Order No. 2004 - 307 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2004 - 308

MUNICIPAL ORDER ACCEPTING AND ADOPTING THE STORM WATER MANUAL, ALSO KNOWN AS BEST MANAGEMENT PRACTICES (BMPS) MANUAL, PREPARED BY FULLER MOSSBARGER SCOTT AND MAY ENGINEERS, INC. OF LOUISVILLE, KENTUCKY

Summary of Municipal Order No. 2004 - 308 was read by the City Clerk. City Engineer Jeff Lashlee reviewed the requirement to develop a guidance manual for the design community and the benefits of uniform standards across the state. He stated that the cost was shared equally among twelve cities. He also noted that the manual would be accessible on the Internet. 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 - 308 was approved by unanimous vote.

ORDINANCE NO. BG2004 - 69

(First Reading)

ORDINANCE ANNEXING PROPERTY BY CONSENT

ORDINANCE ANNEXING 2.1477 ACRES OF PROPERTY LOCATED AT 5481 AND 5499 SCOTTSVILLE ROAD (US HWY 231) AND A PORTION OF 5449 SCOTTSVILLE ROAD, WITH PROPERTY PRESENTLY OWNED BY JAMES T. DIEMER AND VERONICA DIEMER, AND SAID TERRITORY BEING CONTIGUOUS TO EXISTING CITY LIMITS

Title and summary of Ordinance No. BG2004 - 69 was read by the City Clerk. Mayor Jones stated this was a voluntary annexation. 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 - 69 was approved by unanimous vote. Coates requested a special meeting of the Board for consideration of second reading for this Ordinance prior to the end of the year. The Board agreed to meet at 10:00 a.m. on Monday, December 27, 2004 in the Fiscal Court Room.

CLOSED SESSION

Coates requested a closed session for the purpose of discussing proposed litigation related to the acquisition of real property and stated that action may follow this closed session. Motion was made by Hall and seconded by Bullington to convene in closed session 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.

OPEN SESSION

Once the discussion concluded in closed session, the Board of Commissioners reconvened in open session for consideration of action. Motion was made by Denning and seconded by Palmer to add Municipal Order No. 2004 – 309 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 – 309 to the agenda was approved by unanimous vote.

MUNICIPAL ORDER NO. 2004 – 309

MUNICIPAL ORDER AUTHORIZING AND ORDERING CONDEMNATION OF PROPERTY BELONGING TO CLINIC BUILDING BG, LLC LOCATED AT 223 CHESTNUT STREET, WITH THIS PROPERTY BEING NECESSARY FOR THE KENTUCKY REVISED STATUTES CHAPTER 99 REDEVELOPMENT PLAN, THE HISTORIC BOWLING GREEN REVITALIZATION AREA, RENAISSANCE VILLAGE ELDERLY HOUSING PROJECT

Summary of Municipal Order No. 2004 - 309 was read by the City Clerk. Motion was made by Palmer and seconded by Denning for consideration of said Municipal Order. With no further discussion, a roll call vote was taken.

ROLL CALL: Voting Yea: Hall, Palmer, Denning and Jones
Voting Nay: Bullington

Municipal Order No. 2004 - 309 was approved by majority vote.

ADJOURNMENT

Mayor Jones announced that January 4, 2004 was the next regularly scheduled meeting of the Board. There being no further business to come before the Board of Commissioners, at approximately 9:00 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