

**MINUTES of REGULAR MEETING
of the BOARD of COMMISSIONERS
of the CITY of BOWLING GREEN, KENTUCKY
held AUGUST 17, 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 August 17, 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 and Mayor Sandy Jones. Absent: Commissioner Jim Bullington. There was a quorum of the Board of Commissioners.

AWARD

Mayor Jones announced that the Public Works Fleet Management Division received the ASE Blue Seal of Excellence Recognition Award from the National Institute for Automotive Service Excellence (ASE). Fleet Manager Jon Lewis stated that currently there are only 1,654 shops in the United States that hold this status, and of the sixteen held in Kentucky, Bowling Green is the only government agency. Lewis introduced the Fleet Division technicians who assisted in achieving this award.

PUBLIC COMMENTS

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

CITY MANAGER

City Manager Charles W. Coates requested the addition of two late-filed Municipal Orders to the agenda. Motion was made by Palmer and seconded by Hall to add Municipal Order Nos. 2004 – 217 and 2004 – 218 to the agenda for consideration. Jones called for roll call vote.

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

Motion to add Municipal Order Nos. 2004 – 217 and 2004 – 218 to the agenda for consideration was approved by unanimous vote.

PRESENTATION

Internet Specialist Josh Foster provided an E-Gov status update for the City's website, including several new features offered to assist with navigation, information and access to forms.

APPROVAL OF MINUTES

Minutes of Regular Meeting August 3, 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 Denning to approve said minutes as written. Mayor Jones asked for discussion, and with none, a roll call vote was taken.

(Minutes-Board of Commissioners-August 17, 2004)

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

Motion to approve the minutes of the regular meeting of August 3, 2004 was approved by majority vote. Comm. Palmer abstained since he was absent from the August 3, 2004 meeting.

MUNICIPAL ORDER NO. 2004 – 209

MUNICIPAL ORDER APPROVING A JOB DEVELOPMENT
INCENTIVE FUND EMPLOYEE WITHHOLDINGS CREDIT
AGREEMENT WITH CGS MACHINE & TOOL, INC.

Summary of Municipal Order No. 2004 - 209 was read by City Clerk Katie Schaller. Coates stated this is a standard incentive agreement to give back one-third of the occupational license fees generated by the company over the next five years for its expansion project. 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 and Jones
 Voting Nay: None

Municipal Order No. 2004 - 209 was approved by unanimous vote.

ORDINANCE NO. BG2004 – 40

(First 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. Planning Commission Senior Planner Steve Hunter reviewed the rezoning request and associated binding elements. Motion was made by Palmer 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, Hall, Palmer and Jones
 Voting Nay: None

First reading of Ordinance No. BG2004 - 40 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2004 – 210

MUNICIPAL ORDER APPROVING AND AUTHORIZING
REIMBURSEMENT OF OUT-OF-TOWN TRAVEL EXPENSES TO
CHARLOTTESVILLE, VIRGINIA FOR CITY MANAGER CHARLES
W. COATES

Summary of Municipal Order No. 2004 - 210 was read by the City Clerk. Motion was made by Hall and seconded by Palmer for consideration of said Municipal Order. Mayor Jones asked for discussion, and with none, a roll call vote was taken.

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

Municipal Order No. 2004 - 210 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2004 - 211

MUNICIPAL ORDER AUTHORIZING THE ACCEPTANCE OF THE 2004 LOCAL LAW ENFORCEMENT BLOCK GRANT (LLEBG) FUNDS THROUGH THE UNITED STATES DEPARTMENT OF JUSTICE, BUREAU OF JUSTICE ASSISTANCE IN THE AMOUNT OF \$19,050

Summary of Municipal Order No. 2004 - 211 was read by the City Clerk. Police Office Associate Heather Plowman indicated that a ten percent match is required for this grant to be used to purchase in-car cameras. 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 and Jones
 Voting Nay: None

Municipal Order No. 2004 - 211 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2004 - 212

MUNICIPAL ORDER DECLARING PROPERTY SURPLUS AND AUTHORIZING CONVEYANCE OF 839 SCOTT WAY TO SUE ELLA GATEWOOD FOR THE PURCHASE PRICE OF \$2,000

Summary of Municipal Order No. 2004 - 212 was read by the City Clerk. City Attorney Gene Harmon explained that this property was received through a tax foreclosure action and that it is now being sold for expansion of an adjacent business. 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: Denning, Hall, Palmer and Jones
 Voting Nay: None

Municipal Order No. 2004 - 212 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2004 - 213

MUNICIPAL ORDER APPROVING THE PROMOTION OF DONNITA G. KEEN TO THE POSITION OF SYSTEM ANALYST IN THE INFORMATION TECHNOLOGY DEPARTMENT

Summary of Municipal Order No. 2004 - 213 was read by the City Clerk. Human Resources Director Michele Tolbert reviewed the new position and qualifications for promotion. 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: Denning, Hall, Palmer and Jones
 Voting Nay: None

Municipal Order No. 2004 - 213 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2004 - 214

MUNICIPAL ORDER APPROVING THE TRANSFER OF BONNIE SUE ABNEY TO THE POSITION OF EVIDENCE TECHNICIAN IN THE POLICE DEPARTMENT

Summary of Municipal Order No. 2004 - 214 was read by the City Clerk. Tolbert indicated that this was a lateral transfer and reviewed the qualifications for transfer. 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: Denning, Hall, Palmer and Jones
 Voting Nay: None

Municipal Order No. 2004 - 214 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2004 - 215

MUNICIPAL ORDER AUTHORIZING A CHANGE ORDER TO THE CONTRACTS WITH VARIOUS CONTRACTORS FOR THE CONSTRUCTION OF THE POLICE HEADQUARTERS EXPANSION PROJECT IN THE AMOUNT OF \$39,533.91

Summary of Municipal Order No. 2004 - 215 was read by the City Clerk. Public Works Director Emmett Wood outlined the change order. Coates indicated that the project was anticipated to be completed early this fall. 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 and Jones
 Voting Nay: None

Municipal Order No. 2004 - 215 was approved by unanimous vote.

ORDINANCE NO. BG2004 - 39

(First 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

At the August 3, 2004 meeting of the Board of Commissioners, Ordinance No. BG2004 – 39 was tabled. In order to be consideration at this time, motion was made by Denning and seconded by Hall to remove from the table Ordinance No. BG2004 – 39 for first reading, as amended. With no discussion, a roll call vote was taken.

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

Motion to remove from the table Ordinance No. BG2004 – 39 for consideration at this time was approved by unanimous vote. Title and summary of Ordinance No. BG2004 – 39, as amended, was read by the City Clerk. Harmon reviewed the proposed changes that were made to the ordinance following the last meeting to address expressed concerns.

Lanna Kilgore, the attorney representing June Colson, owner of Bluegrass Uniforms, requested clarification regarding the responsibility of departments to provide notification of noninvolvement by an employee related to a prospective bidder. She also noted what other second class cities are doing which corresponds to Kentucky Revised Statutes and she recommended the proposed changes.

Comm. Hall stated that he received several calls from the public who are concerned about lessening the restrictions and their long-reaching effects. He stated he does not support the change.

Comm. Denning stated that the competitive bidding process would provide the opportunity for Bluegrass Uniforms to do business with the City, which could potentially save the City money.

Mayor Jones stated that it is not just an issue of considering Bluegrass Uniforms, but rather a public policy that is open to public perceptions.

Once all discussion concluded, motion was made by Palmer and seconded by Denning for first reading of said Ordinance, as amended. Mayor Jones asked for additional discussion, and with none, a roll call vote was taken.

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

First reading of Ordinance No. BG2004 – 39, as amended, received a split vote.

ORDINANCE NO. BG2004 – 41

(First Reading)

ORDINANCE AMENDING CODE OF ORDINANCES

**ORDINANCE REPEALING EXISTING CHAPTER 5 (ANIMALS) OF
THE CITY OF BOWLING GREEN CODE OF ORDINANCES AND
APPROVING REVISED VERSION OF CHAPTER 5 (ANIMALS)**

Title and summary of Ordinance No. BG2004 - 41 was read by the City Clerk. Harmon highlighted the most significant changes, including the kennel license, dog and cat restrictions and civil penalties. Hunter reviewed the zoning ordinance designations for kennels. Coates stated that these changes are part of the neighborhood code enforcement process and are primarily complaint driven.

Scott Petty responded to several questions regarding the snakes he keeps and breeds, and to exotic animals in captivity.

Barb Moore, owner of Pets and More, expressed concern with the restrictions of dogs and cats and the amount of the kennel license for responsible pet owners. Ms. Moore suggested a grandfather clause be added to the ordinance.

Steve Dennehy requested clarification regarding the breeding and showing of guinea pigs and rabbits by children and whether that would be considered a kennel under the definition. Mr. Dennehy suggested that if this is a dog and cat problem, then the kennel requirements should only include dogs and cats.

Coates suggested tabling the ordinance for further review. Motion was made by Denning and seconded by Jones to **table** said Ordinance for further review. With no additional discussion, a roll call vote was taken.

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

Motion to **table** Ordinance No. BG2004 - 41 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2004 - 216

MUNICIPAL ORDER APPROVING THE PROBATIONARY APPOINTMENT OF QUENNA DAWN NORRIS TO THE POSITION OF ADMINISTRATIVE ASSISTANT FOR THE HUMAN RESOURCES DEPARTMENT

Summary of Municipal Order No. 2004 - 216 was read by the City Clerk. Tolbert reviewed the position and the 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: Denning, Hall, Palmer and Jones
 Voting Nay: None

Municipal Order No. 2004 - 216 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2004 - 217

MUNICIPAL ORDER AUTHORIZING THE MAYOR TO EXECUTE A LEASE AGREEMENT WITH THE BOWLING GREEN JUNIOR WOMAN'S CLUB TO LEASE FOUNTAIN SQUARE PARK AND PARK ROW ON AUGUST 21, 2004 FOR THE DUNCAN HINES FESTIVAL

Summary of Municipal Order No. 2004 - 217 was read by the City Clerk. Motion was made by Palmer and seconded by Denning for consideration of said Municipal Order. Mayor Jones asked for discussion, and with none, a roll call vote was taken.

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

(Minutes-Board of Commissioners-August 17, 2004)

Municipal Order No. 2004 - 217 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2004 - 218

MUNICIPAL ORDER APPROVING AND AUTHORIZING THE
MAYOR TO EXECUTE AN IN LIEU OF TAX PAYMENTS
AGREEMENT WITH BOWLING GREEN METALFORMING L.L.C.

Summary of Municipal Order No. 2004 - 218 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 discussion, and with none, a roll call vote was taken.

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

Municipal Order No. 2004 - 218 was approved by unanimous vote.

ADJOURNMENT

Mayor Jones announced that September 7, 2004 was the next scheduled meeting of the Board. There being no further business to come before the Board of Commissioners, at approximately 8:50 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