

**MINUTES of REGULAR MEETING  
of the BOARD of COMMISSIONERS  
of the CITY of BOWLING GREEN, KENTUCKY  
held SEPTEMBER 21, 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 21, 2004. Mayor Sandy Jones called the meeting to order. An invocation was given by Police Chaplain Mike Holian, and all present recited the Pledge of Allegiance. City Clerk Katie Schaller called the roll, and the following members were present: Commissioner Alan Palmer, Commissioner Jim Bullington, Commissioner Joe W. Denning, Commissioner Dan Hall and Mayor Sandy Jones. Absent: none. There was a full quorum of the Board of Commissioners.

**LITIGATION AND MEDIATION REPORT**

Attorney R. Gregg Hovious of Tachau Maddox Hovious & Dickens provided a general update regarding The Convention Center Corporation litigation proceedings through Warren Circuit Court, including the various motions and responses filed to date. In response to a question from Comm. Palmer, Citizen Information and Assistance Director Michael Grubbs reported that the City has spent approximately \$100,000 to date on legal services regarding this issue.

**PUBLIC COMMENTS**

Mayor Jones opened the floor for any public comments regarding items not listed on the agenda. Attorney David Broderick, representing LifeSkills, expressed concern with comments presented at the September 7, 2004 Board of Commissioners meeting and recent articles in the *Daily News* that relate to an agreement between the City and LifeSkills for property acquisition in the downtown area. Mr. Broderick provided information regarding LifeSkills' mission and desire to move forward with construction of their new facility. He indicated that if the City did not move forward with this project as previously approved, then there is the potential for civil action based on discrimination. Comm. Bullington stated that his comments at the previous meeting were not about LifeSkills, but about misinformation and the need for more time to investigate. Mr. Broderick disagreed with that statement.

**CITY MANAGER**

In addition, City Manager Charles W. Coates responded to Comm. Bullington's remarks from the previous meeting that City staff misled the Commission regarding the LifeSkills project. He reviewed the special meeting on June 29, 2004, the potential sale of the currently leased property by LifeSkills, the flexibility to change the Chapter 99 Plan as projects develop, the involvement of the State Historic Preservation Board when local funds are used for redevelopment projects, the future involvement of the Downtown Redevelopment Authority (DRA), and the expected number of jobs to be located in the downtown from this project. Comm. Bullington expressed concern for the amount of taxpayer money to be used for this project and the expectation that the City would not get that money back. To address the concern of new jobs to be created by this project, Mr. Broderick agreed to provide in writing the actual number of LifeSkills employees already working in the downtown area

and the number of additional employees to be relocated to the downtown area with completion of this project.

Additionally, Coates mentioned that since the first regular meeting in November falls on election day, the Board may want to change that meeting to another day or only have one meeting that month on the third Tuesday. The Board agreed to cancel the first meeting of November and to meet once on November 16, 2004.

Finally, Coates requested a closed session for the purpose of discussion on the future acquisition or sale of real property by the City as publicity would likely affect the value of the specific piece of property to be acquired for public use or sold by the City, and for discussion of proposed or pending litigation against or on behalf of the City. Motion was made by Hall and seconded by Palmer to convene in closed session following the regular meeting pursuant to KRS 61.810 (b) and (c). Jones called for roll call vote.

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

Motion to convene in closed session pursuant to KRS 61.810 (b) and (c) was approved by unanimous vote.

#### PRESENTATION

Following a brief recess, Board of Park Commissioners member John Deeb presented the Parks and Recreation Annual Report. He reviewed Fiscal Year 2004 numbers for participation and visits, revenue generated, donations received, value of volunteers and athletic team sports and recreation trends. Mr. Deeb also highlighted accomplishments and activities by the various department divisions.

#### APPROVAL OF MINUTES

##### Minutes of Regular Meeting September 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 Denning 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: Palmer, Bullington, Denning, Hall and Jones  
                          Voting Nay: None

Motion to approve the minutes of the regular meeting of September 7, 2004 was approved by unanimous vote.

#### ORDINANCE NO. BG2004 - 42

(Second 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 City Clerk Katie Schaller. 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: Palmer, Bullington, Denning, Hall and Jones  
                          Voting Nay: None

Ordinance No. BG2004 - 42 was adopted by unanimous vote.

ORDINANCE NO. BG2004 - 43  
(Second 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. 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: Palmer, Bullington, Denning, Hall and Jones  
                          Voting Nay: None

Ordinance No. BG2004 - 43 was adopted by unanimous vote.

ORDINANCE NO. BG2004 - 44  
(Second 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 15<sup>TH</sup> AVENUE

Title and summary of Ordinance No. BG2004 - 44 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: Palmer, Bullington, Denning, Hall and Jones  
                          Voting Nay: None

Ordinance No. BG2004 - 44 was adopted by unanimous vote.

ORDINANCE NO. BG2004 - 46  
(Second 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. 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: Palmer, Bullington, Denning, Hall and Jones  
                          Voting Nay: None

Ordinance No. BG2004 - 46 was adopted by unanimous vote.

ORDINANCE NO. BG2004 - 47  
(Second 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. Motion was made by Palmer 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: Palmer, Bullington, Denning, Hall and Jones  
                          Voting Nay: None

Ordinance No. BG2004 - 47 was adopted by unanimous vote.

ORDINANCE NO. BG2004 - 48  
(Second 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. 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: Palmer, Bullington, Denning, Hall and Jones  
                          Voting Nay: None

Ordinance No. BG2004 - 48 was adopted by unanimous vote.

MUNICIPAL ORDER NO. 2004 - 231

MUNICIPAL ORDER APPROVING THE PROBATIONARY APPOINTMENT OF HEATHER MICHELLE GEARY TO THE POSITION OF OFFICE ASSOCIATE FOR THE PUBLIC WORKS DEPARTMENT, FLEET DIVISION

Summary of Municipal Order No. 2004 - 231 was read by the City Clerk. Human Resources Director Michele Tolbert stated that this was new position and she reviewed the 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: Palmer, Bullington, Denning, Hall and Jones  
                          Voting Nay: None

Municipal Order No. 2004 - 231 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2004 - 232

MUNICIPAL ORDER APPROVING THE PROBATIONARY APPOINTMENT OF CATHEY DENISE WAGNER TO THE POSITION OF OFFICE ASSOCIATE FOR THE POLICE DEPARTMENT

Summary of Municipal Order No. 2004 - 232 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 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: Palmer, Bullington, Denning, Hall and Jones  
                          Voting Nay: None

Municipal Order No. 2004 - 232 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2004 - 233

MUNICIPAL ORDER APPROVING THE PROBATIONARY APPOINTMENT OF DAWN LYNETTE RALEY TO THE POSITION OF OFFICE ASSOCIATE FOR THE FINANCE DEPARTMENT

Summary of Municipal Order No. 2004 - 233 was read by the City Clerk. Tolbert reviewed the position and the qualifications of the recommended applicant. 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: Palmer, Bullington, Denning, Hall and Jones  
                          Voting Nay: None

Municipal Order No. 2004 - 233 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2004 - 234

MUNICIPAL ORDER APPROVING THE PROBATIONARY APPOINTMENT OF JEFFREY ALLEN TIBBS TO THE POSITION OF CREW SUPERVISOR I FOR THE PARKS AND RECREATION DEPARTMENT, GOLF DIVISION

Summary of Municipal Order No. 2004 - 234 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: Palmer, Bullington, Denning, Hall and Jones  
                          Voting Nay: None

Municipal Order No. 2004 - 234 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2004 - 235

MUNICIPAL ORDER APPROVING THE PROBATIONARY APPOINTMENTS OF DOUGLAS R. MORRIS, JR., MICHAEL T. WEBSTER, WILLIAM J. APPEGET, MICHAEL W. SMITH AND BRIAN K. HOPE TO THE POSITION OF FIREFIGHTER FOR THE FIRE DEPARTMENT

Summary of Municipal Order No. 2004 - 235 was read by the City Clerk. Tolbert reviewed the annual recruitment process and the qualifications of each 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: Palmer, Bullington, Denning, Hall and Jones  
                          Voting Nay: None

Municipal Order No. 2004 - 235 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2004 - 236

MUNICIPAL ORDER AUTHORIZING AND ACCEPTING BID #2005-07 FOR FURNITURE AND EQUIPMENT FOR POLICE HEADQUARTERS EXPANSION FROM OFFICE MAX-A BOISE COMPANY OF BOWLING GREEN, KENTUCKY IN THE AMOUNT OF \$132,158.63

Summary of Municipal Order No. 2004 - 236 was read by the City Clerk. Deputy Police Chief Mari Harris reviewed the recommended bid to meet all requirements of the job. She also responded that the expansion project is approximately three weeks behind schedule, but should be completed by the end of November. 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: Palmer, Bullington, Denning, Hall and Jones  
                          Voting Nay: None

Municipal Order No. 2004 - 236 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2004 - 237

MUNICIPAL ORDER AUTHORIZING AND ACCEPTING BID #2005-08 FOR FIREARMS LOCKERS AND FILE STORAGE FOR POLICE HEADQUARTERS EXPANSION FROM CENTRAL BUSINESS GROUP OF LEXINGTON, KENTUCKY IN THE AMOUNT OF \$117,745

Summary of Municipal Order No. 2004 - 237 was read by the City Clerk. Deputy Police Chief Jerry Wells recommended approval of the best evaluated bid. 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: Palmer, Bullington, Denning, Hall and Jones  
Voting Nay: None

Municipal Order No. 2004 - 237 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2004 - 238

MUNICIPAL ORDER AUTHORIZING THE PURCHASE OF SAVINGS BONDS FROM US BANK OF BOWLING GREEN, KENTUCKY IN THE AMOUNT OF \$69,500 FOR THE SAFETY COMPLIANCE INCENTIVE PROGRAM, AND DISTRIBUTION OF THE SAVINGS BONDS TO QUALIFYING EMPLOYEES

Summary of Municipal Order No. 2004 - 238 was read by the City Clerk. Safety Training Manager David Weisbrodt reviewed the Safety Incentive Compliance Program and highlighted achievements in the program. 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: Palmer, Bullington, Denning, Hall and Jones  
Voting Nay: None

Municipal Order No. 2004 - 238 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2004 - 239

MUNICIPAL ORDER AUTHORIZING THE ACCEPTANCE OF A GRANT FROM THE FISCAL YEAR 2004 HOMELAND SECURITY GRANT PROGRAM IN THE AMOUNT OF \$60,000

Summary of Municipal Order No. 2004 - 239 was read by the City Clerk. Police Office Associate Heather Plowman indicated that the grant funds, with no match required, would be used to purchase vapor tracers for use by Police and shared with Fire, and to receive explosives training. 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: Palmer, Bullington, Denning, Hall and Jones

Voting Nay: None

Municipal Order No. 2004 - 239 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2004 - 240

MUNICIPAL ORDER AUTHORIZING THE PURCHASE OF EQUIPMENT NECESSARY TO ADD TWO RADIO CONSOLES TO THE COMMUNICATIONS CENTER IN THE POLICE DEPARTMENT FROM MOTOROLA OF CHARLOTTE, NORTH CAROLINA AT A COST OF \$53,558.69

Summary of Municipal Order No. 2004 - 240 was read by the City Clerk. Communications Center Manager Malissa Carter explained the need for additional consoles with the expansion of the Communications Center. 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: Palmer, Bullington, Denning, Hall and Jones  
Voting Nay: None

Municipal Order No. 2004 - 240 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2004 - 241

MUNICIPAL ORDER AUTHORIZING THE ACCEPTANCE OF BIDS FROM BLUEGRASS UNIFORMS, INC. AND NAT'S OUTDOOR SPORTS OF BOWLING GREEN, KENTUCKY FOR UNIFORMS, TURNOUT GEAR, EXERCISE WEAR AND RUNNING SHOES FOR THE FIRE DEPARTMENT, BID #2005-01

Summary of Municipal Order No. 2004 - 241 was read by the City Clerk. Fire Chief Gerry Brown recommended the best evaluated bids. 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: Palmer, Bullington, Denning, Hall and Jones  
Voting Nay: None

Municipal Order No. 2004 - 241 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2004 - 242

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

Summary of Municipal Order No. 2004 - 242 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: Palmer, Bullington, Denning, Hall and Jones



Voting Nay: None  
Municipal Order No. 2004 - 242 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2004 - 243

MUNICIPAL ORDER APPROVING FISCAL YEARS 2004-2005  
THROUGH 2006-2007 CAPITAL IMPROVEMENT PROGRAM FOR  
THE CITY OF BOWLING GREEN, KENTUCKY

Summary of Municipal Order No. 2004 - 243 was read by the City Clerk. Assistant to the City Manager Shawna Dowell presented the Capital Improvement Program (CIP) report and outlined several Fiscal Year 2005 projects. She also responded to questions regarding the future renovation of the Commission Chamber, the lining of the dry lakes at Crosswinds Golf Course and the increasing amount of reserves. 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: Palmer, Bullington, Denning, Hall and Jones  
Voting Nay: None  
Municipal Order No. 2004 - 243 was approved by unanimous vote.

NEXT MEETING

Mayor Jones announced that October 5, 2004 was the next scheduled meeting of the Board.

CLOSED SESSION

Following a brief recess, the Board of Commissioners convened in closed session pursuant to KRS 61.810 (b) and (c) as previously approved.

ADJOURNMENT

Once all discussion concluded in closed session and there being no further business to come before the Board of Commissioners, at approximately 9:40 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*