

**MINUTES of REGULAR MEETING  
of the BOARD of COMMISSIONERS  
of the CITY of BOWLING GREEN, KENTUCKY  
held DECEMBER 19, 2017**

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 4:30 p.m. on December 19, 2017. Mayor Bruce Wilkerson called the meeting to order. An invocation was given by Commissioner Brian "Slim" Nash, and all present recited the Pledge of Allegiance. Assistant City Manager/City Clerk Katie Schaller-Ward called the roll, and the following members were present: Commissioner Rick Williams, Commissioner Joe W. Denning, Commissioner Brian "Slim" Nash, Commissioner Sue Parrigin and Mayor Bruce Wilkerson. Absent: none. There was a full quorum of the Board of Commissioners.

**AWARDS & RECOGNITIONS**

City Manager Kevin DeFebbo announced the City received its 6<sup>th</sup> consecutive *Distinguished Budget Presentation Award* from the Government Finance Officers Association (GFOA) for the Fiscal Year 2018 budget document. He thanked the Budget Team, and especially Assistant Chief Financial Officer Erin Ballou, for all their efforts with achieving this award.

**CITY MANAGER**

City Manager Kevin D. DeFebbo requested the addition of a late-filed item to the agenda. Motion was made by Wilkerson and seconded by Williams to add Ordinance No. BG2017 - 59 to the end of the regular agenda. Mayor Wilkerson called for roll call vote.

ROLL CALL:           Voting Yea: Williams, Denning, Nash, Parrigin and Wilkerson  
                          Voting Nay: None

Motion to add Ordinance No. BG2017 - 59 to the agenda was approved by unanimous vote.

**APPROVAL OF MINUTES**

Minutes of Regular Meeting December 5, 2017

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

ROLL CALL:           Voting Yea: Williams, Denning, Nash, Parrigin and Wilkerson  
                          Voting Nay: None

Motion to approve the minutes of the regular meeting of December 5, 2017 was approved by unanimous vote.

**REGULAR AGENDA**

**MUNICIPAL ORDER NO. 2017 - 247**

**MUNICIPAL ORDER APPROVING THE PROBATIONARY  
APPOINTMENT OF BRANDY R. GREENE TO THE POSITION OF**

**HOUSING DIVISION ASSISTANT IN THE NEIGHBORHOOD AND  
COMMUNITY SERVICES DEPARTMENT**

Summary of Municipal Order No. 2017 - 247 was read by the Assistant City Manager/City Clerk. Motion was made by Nash and seconded by Williams for consideration of said Municipal Order. DeFebbo reviewed and recommended the appointment. Mayor Wilkerson asked for additional discussion, and with none, a roll call vote was taken.

ROLL CALL:       Voting Yea: Williams, Denning, Nash, Parrigin and Wilkerson  
                  Voting Nay: None

Municipal Order No. 2017 - 247 was approved by unanimous vote.

**MUNICIPAL ORDER NO. 2017 - 248**

**MUNICIPAL ORDER APPROVING THE PROBATIONARY  
APPOINTMENTS OF DAN K. BUSELMEIER, JR., ALAN A. BUSH,  
LAUREN P. CECIL, AUSTIN B. CONNER, JOSHUA L.  
DENNISON, KENNETH W. JAMES, JR., DAKOTA P. JUSTIS,  
COREY W. MAHANEY AND SHATHAN E. MCCOY, AND  
TRANSFER OF ROY D. RODGERS TO THE POSITION OF  
FIREFIGHTER IN THE FIRE DEPARTMENT**

Summary of Municipal Order No. 2017 - 248 was read by the Assistant City Manager/City Clerk. Motion was made by Nash and seconded by Williams for consideration of said Municipal Order. At the request of the City Manager, Human Resources Director Michael Grubbs described the process to become a Firefighter, including the application, testing and interview processes, and he recommended the appointments. Mayor Wilkerson asked for additional discussion, and with none, a roll call vote was taken.

ROLL CALL:       Voting Yea: Williams, Denning, Nash, Parrigin and Wilkerson  
                  Voting Nay: None

Municipal Order No. 2017 - 248 was approved by unanimous vote.

**MUNICIPAL ORDER NO. 2017 - 249**

**MUNICIPAL ORDER APPROVING THE REAPPOINTMENTS OF  
JOANNA FUTRELL AND JOANNE POWELL AND APPOINTMENT  
OF BARRY PRUITT TO THE CITY OF BOWLING GREEN BOARD  
OF ETHICS**

Summary of Municipal Order No. 2017 - 249 was read by the Assistant City Manager/City Clerk. Motion was made by Parrigin and seconded by Williams for consideration of said Municipal Order. Mayor Wilkerson recommended the reappointments and appointment. He asked for additional discussion, and with none, a roll call vote was taken.

ROLL CALL:       Voting Yea: Williams, Denning, Nash, Parrigin and Wilkerson  
                  Voting Nay: None

Municipal Order No. 2017 - 249 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2017 - 250

MUNICIPAL ORDER AUTHORIZING AND ACCEPTING BID #2018-09 FOR THE CENSUS TRACT 112 EXTERIOR PROPERTY IMPROVEMENTS PROGRAM FROM LIVE THE DREAM (LTD) DEVELOPMENT, INC. OF BOWLING GREEN, KENTUCKY IN THE AMOUNT OF \$250,000

Summary of Municipal Order No. 2017 - 250 was read by the Assistant City Manager/City Clerk. Motion was made by Parrigin and seconded by Williams for consideration of said Municipal Order. At the request of the City Manager, Neighborhood and Community Services Director Brent Childers provided an overview of the Neighborhood Improvements Program (NIP) and the need to utilize partners to increase the timeliness and efficiency of the program. He mentioned there was \$500,000 available for this Program, however, the award would be for half the amount with the ability to approve the other half at a later date. He recommended awarding the bid to LTD to administer and manage the Exterior Property Improvements Program in Census Tract 112. Mr. Childers responded to questions about the application process and how the services provided would be paid. Commissioner Williams commented about the opportunity to help folks who might not otherwise have the physical ability to take care of their homes themselves. Once the discussion ended, a roll call vote was taken.

ROLL CALL:        Voting Yea: Williams, Denning, Nash, Parrigin and Wilkerson  
                      Voting Nay: None

Municipal Order No. 2017 - 250 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2017 - 251

MUNICIPAL ORDER APPROVING A JOB DEVELOPMENT INCENTIVE PROGRAM EMPLOYEE WITHHOLDINGS CREDIT AGREEMENT WITH CARTER LUMBER COMPANY

Summary of Municipal Order No. 2017 - 251 was read by the Assistant City Manager/City Clerk. Motion was made by Parrigin and seconded by Williams for consideration of said Municipal Order. Chief Financial Officer Jeff Meisel reviewed the incentive agreement which provided for the creation of 50 new jobs. Bowling Green Area Chamber of Commerce Chief Operating Officer Meredith Rozanski responded to questions about the hiring of minorities. Because he wanted to ensure a cross section of the community was being represented in the workforce, Commissioner Denning requested the City also be provided hiring information from companies receiving incentives which was being reported to the State. Ms. Rozanski said she would make sure the City receives the information. When the discussion ended, a roll call vote was taken.

ROLL CALL:        Voting Yea: Williams, Denning, Nash, Parrigin and Wilkerson  
                      Voting Nay: None

Municipal Order No. 2017 - 251 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2017 - 252

MUNICIPAL ORDER APPROVING A JOB DEVELOPMENT INCENTIVE PROGRAM EMPLOYEE WITHHOLDINGS CREDIT

AGREEMENT WITH KOBE ALUMINUM AUTOMOTIVE PRODUCTS, LLC

Summary of Municipal Order No. 2017 - 252 was read by the Assistant City Manager/City Clerk. Motion was made by Parrigin and seconded by Nash for consideration of said Municipal Order. Chief Financial Officer Jeff Meisel reviewed the incentive agreement which provided for the creation of 129 new jobs. With regard to both incentive agreements under consideration, Commissioner Parrigin pointed out the incentive period was for 10 years, after which 100% of the 1.85% occupational license fee would stay with the City, and the companies would only be eligible to receive the incentive if all the new jobs were created as stated. With no additional discussion, a roll call vote was taken.

ROLL CALL:           Voting Yea: Williams, Denning, Nash, Parrigin and Wilkerson  
                          Voting Nay: None

Municipal Order No. 2017 - 252 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2017 - 253

MUNICIPAL ORDER APPROVING AMENDED AND RESTATED WORKFORCE AGREEMENT BETWEEN THE CITY OF BOWLING GREEN AND SOUTH CENTRAL KENTUCKY WORKS (SCKYWorks), INC.

Summary of Municipal Order No. 2017 - 253 was read by the Assistant City Manager/City Clerk. Motion was made by Nash and seconded by Denning for consideration of said Municipal Order. DeFebbo mentioned there are 6,000 open positions to be filled in the local workforce and this agreement along with the next on the agenda help to address how those positions get filled. Bowling Green Area Chamber of Commerce Chief Operating Officer Meredith Rozanski outlined the workforce development efforts and improvements to bring all the partners together to create a one-stop shop. She specified the SKYWorks Agreement provided funding for the national consultant services and focuses on the partnering agencies. After the discussion concluded, a roll call vote was taken.

ROLL CALL:           Voting Yea: Williams, Denning, Nash, Parrigin and Wilkerson  
                          Voting Nay: None

Municipal Order No. 2017 - 253 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2017 - 254

MUNICIPAL ORDER APPROVING AMENDED AND RESTATED WORKFORCE COORDINATOR AGREEMENT AMONG THE CITY OF BOWLING GREEN, WARREN COUNTY AND BOWLING GREEN AREA CHAMBER OF COMMERCE

Summary of Municipal Order No. 2017 - 254 was read by the Assistant City Manager/City Clerk. Motion was made by Parrigin and seconded by Williams for consideration of said Municipal Order. In conjunction with the previous item, Bowling Green Area Chamber of Commerce Chief Operating Officer Meredith Rozanski identified that this agreement was the internal piece with the Chamber of Commerce's involvement with workforce development efforts. With no additional discussion, a roll call vote was taken.

ROLL CALL:           Voting Yea: Williams, Denning, Nash, Parrigin and Wilkerson  
                          Voting Nay: None  
Municipal Order No. 2017 - 254 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2017 - 255

MUNICIPAL ORDER AUTHORIZING AND APPROVING  
CONSENT TO SALE OF PROPERTY LOCATED AT 301 STATE  
STREET AND 415 E 3<sup>RD</sup> AVENUE BY THE HOUSING AUTHORITY  
OF BOWLING GREEN

Summary of Municipal Order No. 2017 - 255 was read by the Assistant City Manager/City Clerk. Motion was made by Nash and seconded by Denning for consideration of said Municipal Order. DeFebbo recounted the City gave this property to the Housing Authority for rehab and reuse. However, before the Housing Authority can sell it, he explained the agreement provided that the Board of Commissioners must consent to the sale. At the request of Commissioner Denning, Bowling Green Housing Authority Special Projects Director Katie Miller provided a brief description of the property to be sold. With no other discussion, a roll call vote was taken.

ROLL CALL:           Voting Yea: Williams, Denning, Nash, Parrigin and Wilkerson  
                          Voting Nay: None  
Municipal Order No. 2017 - 255 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2017 - 256

MUNICIPAL ORDER AUTHORIZING THE ACCEPTANCE OF 2018  
GRANT FUNDS FROM THE APPALACHIA HIGH INTENSITY  
DRUG TRAFFICKING AREA (HIDTA) THROUGH THE OFFICE OF  
NATIONAL DRUG CONTROL POLICY IN THE AMOUNT OF  
\$36,000

Summary of Municipal Order No. 2017 - 256 was read by the Assistant City Manager/City Clerk. Motion was made by Nash and seconded by Williams for consideration of said Municipal Order. DeFebbo recommended acceptance of the annual grant award to reimburse the City for a portion of the overtime costs related to two Police Officers assigned to the Drug Task Force. Mayor Wilkerson asked for additional discussion, and with none, a roll call vote was taken.

ROLL CALL:           Voting Yea: Williams, Denning, Nash, Parrigin and Wilkerson  
                          Voting Nay: None  
Municipal Order No. 2017 - 256 was approved by unanimous vote.

ORDINANCE NO. BG2017 - 58

(First Reading)

ORDINANCE AMENDING CODE OF ORDINANCES

ORDINANCE AMENDING CHAPTER 2 (ADMINISTRATION) OF  
THE CITY OF BOWLING GREEN CODE OF ORDINANCES TO  
REPEAL CONCEALED CARRY REQUIREMENTS FOR CITY

FACILITIES AND LANGUAGE ESTABLISHING MAXIMUM  
HOURLY RATES FOR OUTSIDE LEGAL SERVICES

Title and summary of Ordinance No. BG2017 - 58 was read by the Assistant City Manager/City Clerk. Motion was made by Williams and seconded by Parrigin for first reading of said Ordinance. DeFebbo recounted the Board had previously suggested removal of the language related to setting a maximum hourly rate on outside legal services since the current rate was low and often required a waiver by the Board of Commissioners. He explained this change would allow staff to determine an appropriate cost on a case by case basis. He confirmed only the hourly rate for services was impacted with this provision, total costs would still require Board of Commissioners approval if exceeding the level authorized for the City Manager to approve.

With regard to the repeal of the concealed carry requirements, Mayor Wilkerson asked City Attorney Gene Harmon to explain the current restriction and how it runs contrary to the open carry firearms laws. Mr. Harmon specified State law allows the open carry of firearms virtually anywhere and the City has no ability to regulate or prohibit it, meaning anyone can openly carry a firearm in any City facility. He also pointed out although the City was given the legal authority by statute to restrict the carrying of concealed deadly weapons in City buildings with proper signage, there were no legal penalties to be imposed for violations of those restrictions. If this ordinance is approved, Mr. Harmon confirmed the restrictions for concealed carry would be removed from City buildings, which would allow anyone who was legally licensed to carry a concealed weapon the ability to do so inside any City buildings.

In response to questions from Commissioner Denning, Neighborhood and Community Services Director Brent Childers confirmed the Animal Control Officers and Code Enforcement Inspectors do not have a job requirement to carry a firearm, but can under existing laws openly carry a firearm, and with proper license, carry a concealed firearm while on duty. He also noted the concealed firearm could not legally be brought into a City building under the existing restrictions, but could be openly carried into the building with no restrictions. Mr. Harmon confirmed all employees currently have the ability to legally carry a concealed firearm outside of any City building and openly carry inside or outside any City building, regardless of being on duty or not.

Commissioner Williams inquired if there was a State statute that restricted concealed firearms from being brought into the Police Department. Mr. Harmon indicated he was not aware of any such restrictions for a Police Department, unless it was considered as a detention facility, which he did not believe would apply in this case. However, he said he would look at it again to confirm. Commissioner Williams commented that individuals who have had the proper training and received a concealed carry license from the State are less likely to be of concern.

Commissioner Nash clarified that as of today any individual can openly carry a firearm into any City building. Mr. Harmon concurred and confirmed the question under debate is whether or not the City continues to restrict the carrying of concealed weapons in designated City buildings. Commissioner Nash expressed concerns with the repeal of the concealed carry language. He pointed out the Kentucky Legislators set the laws but do not have to encounter the same heated debates on controversial issues that local governments do, yet they prohibit both open and concealed carry weapons in the State Capital buildings. He mentioned efforts started when he was first on the Board of Commissioners in 2005 and during the past several years to ensure the safety of employees, which this action if passed now seems to go against those efforts by allowing people to come into the

building with a gun on them and no one knows it. Although he could not dispute the argument that a sign was not going to stop someone from carrying a gun if that's what they wanted to do, Commissioner Nash said he thought the issue was about encouragement or agreement to allow that to take place. He went on to say that in our public buildings we have a lot of really heated discussions or conversations where people have considerable disagreement, and to think we are sending a message that people can secretly carry a gun in is sending the wrong message. He stated his preference is that they openly carry a weapon so at least then we are able to easily identify those people who are going to pose the greatest threat. He felt this repeal was sending the wrong message and did not seem to be acting in the best interest of those we serve or those we have the responsibility to protect.

Commissioner Denning agreed with points made by Commissioner Nash and did not want to back track on security measures already put in place to protect employees. He suggested tabling the item to allow more time to think about the issue. Mayor Wilkerson pointed out the first reading vote did not count and there would be two weeks before the second reading would take place. Commissioner Denning stated he would be voting no on first reading and will take the next two weeks to give it more thought.

Commissioner Nash asked why the two completely different issues, concealed carry and outside legal fees, were included in the same ordinance. Mr. Harmon noted it was simply because both were in the same Chapter. Commissioner Nash stated he supported the revisions related to the outside legal fees and would rather the two be separate issues for consideration. Commissioner Williams pointed out a vote of yes or no on the issue would not change the fact that State law says you can openly carry, and the only recourse available if someone is legally carrying concealed is to ask them to leave. After the discussion ended, a roll call vote was taken.

ROLL CALL:           Voting Yea: Williams, Parrigin and Wilkerson  
                          Voting Nay: Denning and Nash

First reading of Ordinance No. BG2017 - 58 was approved by majority vote.

MUNICIPAL ORDER NO. 2017 - 257

MUNICIPAL ORDER APPROVING THE PURCHASE OF 750 PEARL STREET FROM MARJORIE F. AYERS AND AUTHORIZING THE MAYOR AND OTHER AUTHORIZED CITY OFFICIALS TO EXECUTE THE DEED AND ALL OTHER NECESSARY DOCUMENTS

Summary of Municipal Order No. 2017 - 257 was read by the Assistant City Manager/City Clerk. Motion was made by Denning and seconded by Nash for consideration of said Municipal Order. DeFebbo indicated this action is following the will of the Board as expressed at the previous meeting during the public comments made by Mike Ayers. City Attorney Gene Harmon noted the purchase amount was increased from \$6,100 to \$6,710 at the request of Mr. Ayers after the last Board meeting to cover a realtor's fee. Mayor Wilkerson asked for additional discussion, and with none, a roll call vote was taken.

ROLL CALL:           Voting Yea: Williams, Denning, Nash, Parrigin and Wilkerson  
                          Voting Nay: None

Municipal Order No. 2017 - 257 was approved by unanimous vote.

ORDINANCE NO. BG2017 – 59

(First Reading)

ORDINANCE ANNEXING PROPERTY BY CONSENT

ORDINANCE ANNEXING 38.21 ACRES OF PROPERTY LOCATED AT 0 MOREHEAD ROAD IN GREYSTONE SUBDIVISION PRESENTLY OWNED BY GREYSTONE PROPERTIES, INC., WITH SAID TERRITORY BEING CONTIGUOUS TO EXISTING CITY LIMITS

Title and summary of Ordinance No. BG2017 - 59 was read by the Assistant City Manager/City Clerk. Motion was made by Parrigin and seconded by Williams for first reading of said Ordinance. At the request of the City Manager, Neighborhood and Community Services Director Brent Childers explained the reason for the requested late-file and the requirement of the current property owner to seek annexation before the plat is recorded. He further explained it was in the City's best interest to address this annexation while it remained a single tract of property with only one consent required. At the prompting of Commissioner Nash, Ms. Schaller-Ward confirmed the public notice was distributed for a special meeting of the Board of Commissioners to take place the next day at 3:30 p.m. to complete second reading. With no additional discussion, a roll call vote was taken.

ROLL CALL:           Voting Yea: Williams, Denning, Nash, Parrigin and Wilkerson  
                          Voting Nay: None

First reading of Ordinance No. BG2017 - 59 was approved by unanimous vote.

WORK SESSION

Seeking comments, questions and suggestions from the Board, City Attorney Gene Harmon reviewed the draft amendments to Chapter 9 (General Offenses) of the City of Bowling Green Code of Ordinances regarding regulation of public panhandling, begging, charitable and political solicitation, which included removing language found in Chapter 22 (Traffic and Motor Vehicles) regarding solicitation of occupants of motor vehicles and combining it with the changes in Chapter 9. He indicated the revisions being presented were at the request of Commissioners during the Board's special work session/fall retreat in September. He explained these provisions are applicable to all types of solicitation and still prohibit aggressive solicitation/panhandling, but allow passive solicitation/panhandling with restrictions. While reviewing the definition for "areas with heightened public safety concerns," Mayor Wilkerson inquired if other parts of rights-of-way could also be included. Mr. Harmon said the definition could be expanded to any portion of right-of-way, excluding sidewalks, and he would research the options to make that change.

As Mr. Harmon was reviewing the draft permit requirements, Commissioner Nash inquired about the enforcement of requiring a permit after the fifth day of solicitation in a year. Mr. Harmon indicated the Police would likely be aware of someone who has been seen soliciting for more than five days. Commissioner Parrigin asked if a permit would be required for holding a political sign on a sidewalk. Under the proposed provisions, Mr. Harmon indicated probably not. Commissioner Nash said he preferred a permit be required regardless of the number of days someone was out soliciting, otherwise he thought the draft was well done. Following a review of the suggested revisions to rights-of-way and the permit requirement, Mr. Harmon said an ordinance could be ready for placement on the next agenda.



PUBLIC COMMENTS

Following the conclusion of the regular agenda, Mayor Wilkerson opened the floor for any public comments about items not included on the agenda. Jeremy McFarland expressed his appreciation to Commissioners Denning and Nash for their concern regarding the concealed carry issue and he appreciated Commissioner Denning's concern about diversity in our local workforce. Mr. McFarland stated passing a fairness ordinance would encourage additional diversity as well as attract more skilled people to our community since fairness is good for business. He thanked Commissioner Nash for his efforts to support fairness, and said it was his hope for 2018 that the discussion continue and a fairness ordinance gets passed.

NEXT MEETING

Mayor Wilkerson reiterated there would be a special meeting on December 20, 2017 for consideration of one item, and he announced the next regular meeting of the Board of Commissioners was scheduled for January 2, 2018.

ADJOURNMENT

Mayor Wilkerson wished everyone a Merry Christmas and Happy New Year. There being no further business to come before the Board of Commissioners, at approximately 6:10 p.m., Mayor Wilkerson declared this meeting adjourned.

ADOPTED: January 2, 2018

APPROVED: Bruce Wilkerson  
Mayor, Chairman of Board of Commissioners

ATTEST: Katie Schaller-Ward  
City Clerk

*Minutes prepared by Assistant City Manager/City Clerk Katie Schaller-Ward*