

**MINUTES of REGULAR MEETING  
of the BOARD of COMMISSIONERS  
of the CITY of BOWLING GREEN, KENTUCKY  
held DECEMBER 6, 2016**

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 6, 2016. Mayor Bruce Wilkerson called the meeting to order. An invocation was given by Commissioner Rick Williams, all present recited the Pledge of Allegiance and the national anthem was played by Violinist Makenzie Bell. Assistant City Manager/City Clerk Katie Schaller-Ward called the roll, and the following members were present: Commissioner Joe W. Denning, Commissioner Melinda M. Hill, Commissioner Sue Parrigin, Commissioner Rick Williams and Mayor Bruce Wilkerson. Absent: none. There was a full quorum of the Board of Commissioners.

**PUBLIC HEARING**

Neighborhood and Community Services Director Brent Childers conducted a public hearing for the purpose of receiving comments about an amendment to the 5-year Consolidated Plan for the Community Development Block Grant (CDBG) Entitlement Program. He explained the proposed revision was to the annual funding allocation identified in the Consolidated Plan's Strategic Plan. He recounted that currently the City allocates 60% of the annual funding to the Neighborhood Improvements Program (NIP), 20% for community programs and 20% for administrative costs. With this revision, he advised more money would be put into neighborhood improvements in the BG Reinvestment Area using 80% of the allocation and the remaining 20% would continue to be allocated for fair housing activities and the general administration of the CDBG program, no longer allocating money for other community programs. Mr. Childers stated this was the best way to make long-term investments and to capitalize on the revenues received each year. As a substantial amendment under the terms of the City's CDBG Citizen Participation Plan, he specified a public comment period along with this public hearing was required and would remain open through December 19<sup>th</sup>. Since no one stepped forward to make any comments, Mayor Wilkerson declared the public hearing closed.

**AWARDS & RECOGNITIONS**

Mayor Wilkerson congratulated Commissioner Parrigin for being named Ambassador of the Year by the Bowling Green Area Chamber of Commerce at a luncheon earlier in the day. Commissioner Parrigin congratulated the Bowling Green High School and WKU football teams for their recent championships.

**CITY MANAGER**

City Manager Kevin D. DeFebbo requested a closed session for the purpose of discussion of proposed litigation on behalf of the City and pending litigation against the City. Motion was made by Hill and seconded by Parrigin to convene in closed session following the regular meeting pursuant to KRS 61.810 (1) (c). Mayor Wilkerson called for roll call vote.

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

Motion to convene in closed session pursuant to KRS 61.810 (1) (c) was approved by unanimous vote.

## CITIZEN SURVEY PRESENTATION

Mr. DeFebbo reported the City conducts a survey every two years to determine how well we provide services to our citizens. At the request of Mr. DeFebbo, Executive Assistant/Public Information Officer Kim Lancaster provided a summary of the results of this year's citizen survey and its comparison to previous years. She reported that 233 of the 1,800 households randomly selected completed the on-line survey providing a 13% response rate. Additionally, she stated an opt-in survey was offered for the first time this year which added another 226 responses. Ms. Lancaster highlighted some of the more significant areas surveyed and indicated Bowling Green consistently ranked similar or higher compared to the National average and to other cities of similar population located in the Southern Region. Mr. DeFebbo confirmed the results of the survey were taken into consideration when making policy and funding decisions, such as adding more money to paving as an effort to improve the quality of our streets.

Commissioner Denning inquired why services such as garbage collection and education were included in this survey since those services were not the responsibility of City government. Ms. Lancaster explained the survey was used to gauge overall community satisfaction and not just services provided by the City. Commissioner Denning suggested looking at removing those questions since they might provide an imbalance to the results. Ms. Lancaster indicated that could be considered in future surveys.

## APPROVAL OF MINUTES

### Minutes of Regular Meeting November 15, 2016

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

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

Motion to approve the minutes of the regular meeting of November 15, 2016 was approved by unanimous vote.

## PUBLIC COMMENTS

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

## REGULAR AGENDA

### ORDINANCE NO. BG2016 - 36

(Second Reading)

### ORDINANCE RELATING TO CLASSIFICATION/PAY SCHEDULES

### ORDINANCE AMENDING THE CLASSIFICATION/PAY SCHEDULE "U" FOR UNCLASSIFIED PART-TIME EMPLOYEES

Title and summary of Ordinance No. BG2016 - 36 was read by the Assistant City Manager/City Clerk. Motion was made by Hill and seconded by Williams for second reading of said Ordinance. Mayor Wilkerson asked for discussion, and with none, a roll call vote was taken.

ROLL CALL:        Voting Yea: Denning, Hill, Parrigin, Williams and Wilkerson  
                      Voting Nay: None  
Ordinance No. BG2016 - 36 was adopted by unanimous vote.

ORDINANCE NO. BG2016 - 37  
(Second Reading)  
ORDINANCE REZONING REAL ESTATE

ORDINANCE REZONING A TRACT OF LAND CONTAINING 0.23  
ACRE FROM RM-4 (MULTI-FAMILY RESIDENTIAL) TO NB  
(NEIGHBORHOOD BUSINESS) LOCATED AT 480 BEAUTY  
COURT, PRESENTLY OWNED BY LIVE THE DREAM  
DEVELOPMENT, INC.

Title and summary of Ordinance No. BG2016 - 37 was read by the Assistant City  
Manager/City Clerk. Motion was made by Hill and seconded by Denning for second reading of said  
Ordinance. Mayor Wilkerson asked for discussion, and with none, a roll call vote was taken.

ROLL CALL:        Voting Yea: Denning, Hill, Parrigin, Williams and Wilkerson  
                      Voting Nay: None  
Ordinance No. BG2016 - 37 was adopted by unanimous vote.

ORDINANCE NO. BG2016 - 38  
(Second Reading)  
ORDINANCE REZONING REAL ESTATE

ORDINANCE REZONING A TRACT OF LAND CONTAINING  
13.30 ACRES FROM AG (AGRICULTURE) AND F (FLOODPLAIN)  
TO P (PUBLIC) AND F (FLOODPLAIN) LOCATED AT 2649  
RUSSELLVILLE ROAD, PRESENTLY OWNED BY WILLIAM AND  
SHELBY TRAUOGTT WITH THE BOARD OF EDUCATION OF  
WARREN COUNTY, KENTUCKY AS CONTRACT VENDEE

Title and summary of Ordinance No. BG2016 - 38 was read by the Assistant City  
Manager/City Clerk. Motion was made by Hill and seconded by Parrigin for second reading of said  
Ordinance. Mayor Wilkerson asked for discussion, and with none, a roll call vote was taken.

ROLL CALL:        Voting Yea: Denning, Hill, Parrigin, Williams and Wilkerson  
                      Voting Nay: None  
Ordinance No. BG2016 - 38 was adopted by unanimous vote.

ORDINANCE NO. BG2016 - 39  
(Second Reading)  
ORDINANCE RELATING TO BUDGET AMENDMENT

ORDINANCE APPROVING AMENDMENT NUMBER ONE TO THE  
CITY OF BOWLING GREEN, KENTUCKY ANNUAL OPERATING  
BUDGET FOR FISCAL YEAR 2017

Title and summary of Ordinance No. BG2016 - 39 was read by the Assistant City Manager/City Clerk. Motion was made by Hill and seconded by Denning for second reading of said Ordinance. Mayor Wilkerson asked for discussion, and with none, a roll call vote was taken.

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

Ordinance No. BG2016 - 39 was adopted by unanimous vote.

MUNICIPAL ORDER NO. 2016 - 253

MUNICIPAL ORDER APPROVING THE PROMOTION OF JORDAN M. STICE TO THE POSITION OF FIRE EQUIPMENT MECHANIC IN THE PUBLIC WORKS DEPARTMENT

Summary of Municipal Order No. 2016 - 253 was read by the Assistant City Manager/City Clerk. Motion was made by Hill and seconded by Williams for consideration of said Municipal Order. DeFebbo recounted this position was moved under Public Works a few years ago. Public Works Director Greg Meredith reviewed the requirements and recommended the promotion. Mayor Wilkerson asked for additional discussion, and with none, a roll call vote was taken.

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

Municipal Order No. 2016 - 253 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2016 - 254

MUNICIPAL ORDER APPROVING THE PROBATIONARY APPOINTMENT OF JONATHAN R. MOYERS TO THE POSITION OF FIREFIGHTER IN THE FIRE DEPARTMENT

Summary of Municipal Order No. 2016 - 254 was read by the Assistant City Manager/City Clerk. Motion was made by Hill and seconded by Williams for consideration of said Municipal Order. DeFebbo indicated there was an opportunity to hire a certified firefighter now to immediately fill one of the existing four vacancies, and he recommended the appointment. Mayor Wilkerson asked for additional discussion, and with none, a roll call vote was taken.

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

Municipal Order No. 2016 - 254 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2016 - 255

MUNICIPAL ORDER APPROVING THE PROBATIONARY APPOINTMENT OF BRANDON J. RENDER TO THE POSITION OF HOUSING RECERTIFICATION SPECIALIST IN THE NEIGHBORHOOD AND COMMUNITY SERVICES DEPARTMENT

Summary of Municipal Order No. 2016 - 255 was read by the Assistant City Manager/City Clerk. Motion was made by Hill and seconded by Parrigin 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: Denning, Hill, Parrigin, Williams and Wilkerson  
                  Voting Nay: None  
Municipal Order No. 2016 - 255 was approved by unanimous vote.

**MUNICIPAL ORDER NO. 2016 - 256**

**MUNICIPAL ORDER APPROVING REVISIONS TO THE RISK  
MANAGEMENT MANUAL FOR THE CITY OF BOWLING GREEN,  
KENTUCKY**

Summary of Municipal Order No. 2016 - 256 was read by the Assistant City Manager/City Clerk. Motion was made by Hill and seconded by Williams for consideration of said Municipal Order. DeFebbo stated the City has one of the best safety programs in the state and he gave credit to Safety/Risk Manager David Weisbrodt. He also recommended the proposed revisions to the Risk Management Manual. Mayor Wilkerson thanked Mr. Weisbrodt for his work. Once the discussion ended, a roll call vote was taken.

ROLL CALL:           Voting Yea: Denning, Hill, Parrigin, Williams and Wilkerson  
                  Voting Nay: None  
Municipal Order No. 2016 - 256 was approved by unanimous vote.

**MUNICIPAL ORDER NO. 2016 - 257**

**MUNICIPAL ORDER APPROVING THE REAPPOINTMENTS OF  
KEVIN D. DEFEBBO AND MAC JEFFERSON TO SERVE ON THE  
INTER-MODAL TRANSPORTATION AUTHORITY, INC. BOARD  
OF DIRECTORS, AND AUTHORIZING THE SUBMISSION OF  
REAPPOINTMENTS TO THE WARREN COUNTY JUDGE  
EXECUTIVE**

Summary of Municipal Order No. 2016 - 257 was read by the Assistant City Manager/City Clerk. Motion was made by Hill and seconded by Parrigin for consideration of said Municipal Order. Mayor Wilkerson recommended the reappointments. DeFebbo commented about the future of the Transpark and its continued success. Following the discussion, a roll call vote was taken.

ROLL CALL:           Voting Yea: Denning, Hill, Parrigin, Williams and Wilkerson  
                  Voting Nay: None  
Municipal Order No. 2016 - 257 was approved by unanimous vote.

**MUNICIPAL ORDER NO. 2016 - 258**

**MUNICIPAL ORDER APPROVING THE REAPPOINTMENTS OF  
DAN RUDLOFF AND MICHELE TOLBERT TO THE CITY OF  
BOWLING GREEN BOARD OF ETHICS**

Summary of Municipal Order No. 2016 - 258 was read by the Assistant City Manager/City Clerk. Motion was made by Hill and seconded by Williams for consideration of said Municipal Order. Mayor Wilkerson recommended the reappointments. With no other discussion, a roll call vote was taken.

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

Municipal Order No. 2016 - 258 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2016 - 259

MUNICIPAL ORDER APPROVING THE APPOINTMENT OF FELICIA MCCLEAN AND REAPPOINTMENT OF JEFFREY STEIN TO THE GREENWAYS COMMISSION OF BOWLING GREEN AND WARREN COUNTY

Summary of Municipal Order No. 2016 - 259 was read by the Assistant City Manager/City Clerk. Motion was made by Hill and seconded by Parrigin for consideration of said Municipal Order. Mayor Wilkerson recommended the appointment and reappointment. With no additional discussion, a roll call vote was taken.

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

Municipal Order No. 2016 - 259 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2016 - 260

MUNICIPAL ORDER APPROVING A CONTRACT THROUGH COOPERATIVE PURCHASE WITH SOFTWARE HOUSE INTERNATIONAL, INC. OF DALLAS, TEXAS UNDER KENTUCKY STATE PRICING CONTRACT FOR THE PURCHASE OF MICROSOFT OFFICE PRODUCTS IN THE AMOUNT OF \$32,776.65

Summary of Municipal Order No. 2016 - 260 was read by the Assistant City Manager/City Clerk. Motion was made by Hill and seconded by Williams for consideration of said Municipal Order. DeFebbo recommended the purchase to upgrade the mobile data computers (MDCs) in the Police and Fire Departments. Mayor Wilkerson asked for additional discussion, and with none, a roll call vote was taken.

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

Municipal Order No. 2016 - 260 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2016 - 261

MUNICIPAL ORDER AUTHORIZING THE PURCHASE OF TITLEIST GOLF PRODUCTS FOR CROSSWINDS, PAUL WALKER AND RIVERVIEW GOLF COURSES THROUGH NONCOMPETITIVE NEGOTIATIONS WITH TITLEIST OF CHICAGO, ILLINOIS IN AN AMOUNT NOT TO EXCEED \$80,000

Summary of Municipal Order No. 2016 - 261 was read by the Assistant City Manager/City Clerk. Motion was made by Hill and seconded by Parrigin for consideration of said Municipal Order. As a leading name in golf products, DeFebbo recommended the purchase of resale items for the City's

Pro Shops. Mayor Wilkerson asked for additional discussion, and with none, a roll call vote was taken.

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

Municipal Order No. 2016 - 261 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2016 - 262

MUNICIPAL ORDER APPROVING A CONTRACT THROUGH COOPERATIVE PURCHASE WITH MOTOROLA SOLUTIONS OF SCHAUMBURG, ILLINOIS UNDER KENTUCKY STATE PRICING CONTRACT FOR THE PURCHASE OF SEVEN (7) MOBILE RADIOS IN THE TOTAL AMOUNT OF \$35,840.28

Summary of Municipal Order No. 2016 - 262 was read by the Assistant City Manager/City Clerk. Motion was made by Hill and seconded by Parrigin for consideration of said Municipal Order. DeFebbo recommended the purchase with the use of grant funds to cover majority of the cost. Mayor Wilkerson asked for additional discussion, and with none, a roll call vote was taken.

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

Municipal Order No. 2016 - 262 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2016 - 263

MUNICIPAL ORDER AUTHORIZING AND ACCEPTING BID #2017-01 FOR FISCAL YEAR 2017 SIDEWALK CONSTRUCTION, PHASE I FROM SOUTHERN KENTUCKY CONTRACTORS, INC. OF BOWLING GREEN, KENTUCKY IN THE AMOUNT OF \$132,493.90

Summary of Municipal Order No. 2016 - 263 was read by the Assistant City Manager/City Clerk. Motion was made by Hill and seconded by Williams for consideration of said Municipal Order. As one of the City's priorities, DeFebbo recommended approval of the bid award for the construction of approximately 2,230 feet of new sidewalk along Gordon Avenue and Morgantown Road. Public Works Director Greg Meredith confirmed the process used to select the two locations ranked highest on the list. He also confirmed the prioritized list of new sidewalk projects was available for public review on the City's website. Following the discussion, a roll call vote was taken.

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

Municipal Order No. 2016 - 263 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2016 - 264

MUNICIPAL ORDER AUTHORIZING AND ACCEPTING BID #2017-33 FOR COVINGTON WOODS SHELTER CONSTRUCTION PROJECT FROM FOUNDATION CONSTRUCTORS, LLC OF BOWLING GREEN, KENTUCKY IN THE AMOUNT OF \$43,506

Summary of Municipal Order No. 2016 - 264 was read by the Assistant City Manager/City Clerk. Motion was made by Hill and seconded by Parrigin for consideration of said Municipal Order. DeFebbo reviewed the project to replace the oldest shelter at Covington Woods Park and recommended the bid award. Mayor Wilkerson asked for additional discussion, and with none, a roll call vote was taken.

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

Municipal Order No. 2016 - 264 was approved by unanimous vote.

**MUNICIPAL ORDER NO. 2016 - 265**

**MUNICIPAL ORDER APPROVING RECOMMENDATION FROM THE BOWLING GREEN AREA CONVENTION AND VISITORS BUREAU TO DISTRIBUTE \$150,000 OF TRANSIENT ROOM TAXES TO FRIENDS OF THE LOST RIVER CAVE, INC. D/B/A LOST RIVER CAVE**

Summary of Municipal Order No. 2016 - 265 was read by the Assistant City Manager/City Clerk. Motion was made by Hill and seconded by Parrigin for consideration of said Municipal Order. DeFebbo explained the source of funds and recommended the allocation for a zip line to attract tourists to the area. Lost Rive Cave Executive Director Rho Lansden reviewed the proposed use of funds to construct a three line zip course across the Lost River Cave Valley. Mayor Wilkerson reiterated the source of funding was generated from a hotel/motel tax and not the City's general tax money. Once the discussion ended, a roll call vote was taken.

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

Municipal Order No. 2016 - 265 was approved by unanimous vote.

**MUNICIPAL ORDER NO. 2016 - 266**

**MUNICIPAL ORDER AUTHORIZING THE ACCEPTANCE OF A GRANT FROM THE KENTUCKY OFFICE OF HOMELAND SECURITY FOR THE 2016 HOMELAND SECURITY GRANT PROGRAM IN THE AMOUNT OF \$20,600 FOR THE PURCHASE OF PERSONAL PROTECTIVE EQUIPMENT (PPE) FOR THE FIRE DEPARTMENT**

Summary of Municipal Order No. 2016 - 266 was read by the Assistant City Manager/City Clerk. Motion was made by Hill and seconded by Williams for consideration of said Municipal Order. DeFebbo recommended acceptance of the grant funds to purchase twelve sets of PPE. Mayor Wilkerson asked for additional discussion, and with none, a roll call vote was taken.

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

Municipal Order No. 2016 - 266 was approved by unanimous vote.



MUNICIPAL ORDER NO. 2016 - 267

MUNICIPAL ORDER APPROVING CONSTRUCTION AND  
ACCEPTING MAINTENANCE OF TECHNOLOGY WAY (NORTH)  
EXTENSION AND COMMONWEALTH BOULEVARD EXTENSION  
IN THE KENTUCKY TRANSPARK SUBDIVISION

Summary of Municipal Order No. 2016 - 267 was read by the Assistant City Manager/City Clerk. Motion was made by Hill and seconded by Parrigin for consideration of said Municipal Order. DeFebbo recounted the protocol for street acceptance. He indicated this location met all requirements and was recommended for approval. Mayor Wilkerson asked for additional discussion, and with none, a roll call vote was taken.

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

Municipal Order No. 2016 - 267 was approved by unanimous vote.

ORDINANCE NO. BG2016 - 40

(First Reading)

ORDINANCE AMENDING CODE OF ORDINANCES

ORDINANCE AMENDING CHAPTERS 2 (ADMINISTRATION)  
AND 27 (PROPERTY CODE) OF THE CITY OF BOWLING GREEN  
CODE OF ORDINANCES TO COMPLY WITH AMENDED  
STATUTORY CHANGES RELATED TO CODE ENFORCEMENT

Title and summary of Ordinance No. BG2016 - 40 was read by the Assistant City Manager/City Clerk. Motion was made by Hill and seconded by Parrigin for first reading of said Ordinance. DeFebbo indicated the next few items on the agenda were all related to amendments to the Code of Ordinances. City Attorney Gene Harmon provided an overview of the proposed revisions for code enforcement to comply with changes in the Kentucky Revised Statutes (KRS) made during the 2016 General Assembly Session. He highlighted some of the more significant changes and outlined new language regarding lien holders. Neighborhood and Community Services Director Brent Childers also reviewed some of the changes in relation to the meaning of "final order." He commented about the amount of time it has taken to learn about all the KRS changes since it was a consolidation of several statutes into one chapter related to code enforcement. Once the discussion ended, a roll call vote was taken.

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

First reading of Ordinance No. BG2016 - 40 was approved by unanimous vote.

ORDINANCE NO. BG2016 - 41

(First Reading)

ORDINANCE AMENDING CODE OF ORDINANCES

ORDINANCE AMENDING CHAPTER 4 (ALCOHOLIC BEVERAGE  
CONTROL) OF THE CITY OF BOWLING GREEN CODE OF  
ORDINANCES TO MAKE ADMINISTRATIVE AMENDMENTS

RELATED TO CHANGES IN THE KENTUCKY REVISED  
STATUTES (KRS)

Title and summary of Ordinance No. BG2016 - 41 was read by the Assistant City Manager/City Clerk. Motion was made by Hill and seconded by Denning for first reading of said Ordinance. City Attorney Gene Harmon stated there were changes in State statute during the 2016 General Assembly which prompted some revisions to ABC licenses and some additional cleanup. Mayor Wilkerson asked for additional discussion, and with none, a roll call vote was taken.

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

First reading of Ordinance No. BG2016 - 41 was approved by unanimous vote.

ORDINANCE NO. BG2016 - 42

(First Reading)

ORDINANCE AMENDING CODE OF ORDINANCES

ORDINANCE AMENDING CHAPTERS 2 (ADMINISTRATION), 8 (CEMETERIES), 9 (CRIMES AND OFFENSES), 13 (HEALTH), 15 (BUSINESS AND GENERAL REGULATIONS), 20 (SOLID WASTE COLLECTION) AND 23 (WATER AND SEWER) OF THE CITY OF BOWLING GREEN CODE OF ORDINANCES TO MAKE ADMINISTRATIVE REVISION IDENTIFIED IN THE JUDICIAL REVIEW AND TO MAKE OTHER REVISIONS REMOVING OBSOLETE OR OUTDATED LANGUAGE NO LONGER APPLICABLE

Title and summary of Ordinance No. BG2016 - 42 was read by the Assistant City Manager/City Clerk. Motion was made by Hill and seconded by Williams for first reading of said Ordinance. City Attorney Gene Harmon explained the City goes through a legal review of its Code of Ordinances about every five years to help identify inaccuracies or inconsistencies with State and federal laws. He indicated that most of the revisions proposed relate to corrections to citation references, removal of obsolete language and other minor administrative changes suggested in the most recent review. Mr. Harmon noted the two most significant changes related to provisions restricting aggressive panhandling and clarifying the term expirations for City appointees to various boards, commissions, committees and agencies. With no other discussion, a roll call vote was taken.

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

First reading of Ordinance No. BG2016 - 42 was approved by unanimous vote.

ORDINANCE NO. BG2016 - 43

(First Reading)

ORDINANCE REZONING REAL ESTATE

ORDINANCE REZONING TWO TRACTS OF LAND CONTAINING 1.80 ACRES FROM HB (HIGHWAY BUSINESS) TO RM-4 (MULTI-FAMILY RESIDENTIAL) LOCATED AT THE NORTH SIDE OF AUDLEY COURT, ADJACENT TO SEYMOUR DRIVE,

PRESENTLY OWNED BY COOK PROPERTY MANAGEMENT,  
LLC

Title and summary of Ordinance No. BG2016 - 43 was read by the Assistant City Manager/City Clerk. Motion was made by Hill and seconded by Williams for first reading of said Ordinance. Mayor Wilkerson asked for discussion, and with none, a roll call vote was taken.

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

First reading of Ordinance No. BG2016 - 43 was approved by unanimous vote.

Prior to consideration of the last regular item on the agenda, Mayor Wilkerson recused himself from participating in the discussion of Ordinance No. BG2016 - 44 since he lives on Meadowlawn Avenue and was invested in the neighborhood. Mayor Pro Tem Hill presided over this portion of the meeting.

ORDINANCE NO. BG2016 - 44  
(First Reading)  
ORDINANCE REZONING REAL ESTATE

ORDINANCE REZONING TRACTS OF LAND CONTAINING 2.49 ACRES FROM RS-1A (SINGLE FAMILY RESIDENTIAL) TO HB (HIGHWAY BUSINESS) LOCATED AT 1125, 1129, 1133 AND 1143 FAIRVIEW AVENUE, 601 GREENLAWN AVENUE AND 604 MEADOWLAWN AVENUE, PRESENTLY OWNED BY CONSTRUCTION DESIGN MANAGEMENT, LLC

Title and summary of Ordinance No. BG2016 - 44 was read by the Assistant City Manager/City Clerk. Motion was made by Parrigin and seconded by Williams for first reading of said Ordinance. Since there was opposition voiced against this rezoning by the neighborhood, Mayor Pro Tem Hill asked City Attorney Gene Harmon to explain the process by which the Board could proceed. Mr. Harmon advised if the Board chose to reject the Planning Commission's recommendation, there would have to be independent findings of fact and conclusions of law made. He summarized the options for the Board to consider, which included approving the Planning Commission's recommendation, holding a new public hearing or hearing arguments based on the Planning Commission's record. He further advised that if the Board proceeded with discussion at this meeting, it could limit testimony to that which was part of the Planning Commission's record and only allow those who spoke at the public hearing to speak again now.

At the request of Mayor Pro Tem Hill, Planning Commission Director Ben Peterson provided an overview of the application process, staff report, testimony at the public hearing and associated binding elements. He also responded to questions from the Board about the notification process to adjacent property owners, the ability to expand that process at an additional cost and the need to be consistent with that process for all rezoning hearings. Mr. Peterson also explained the Planning Commission staff encourage applicants to do their due diligence and meet with neighbors before any public hearing takes place to inform them of their plans for the property.

Attorney David Broderick, representing the applicant, described the proposed development plan and need to rezone the property. He indicated the rezoning fit right in line with the future land

use map along Fairview Avenue, and the additional property purchased would provide for more parking and allow for more buffer between the neighborhood. Mr. Broderick reviewed the binding elements which included requirements for an egress point on Fairview Avenue with a right-turn out only, only one access point allowed onto each of Meadowlawn and Greenlawn Avenues, improvements to both roadways to include construction of turn lanes, and a 6-8 foot privacy fence at the back of the property. With a 6-1 vote by the Planning Commission to recommend the rezoning, Mr. Broderick urged the Board of Commissioners to uphold that recommendation.

Several property owners and residents on Greenlawn and Meadowlawn Avenues come forward to voice opposition to the rezoning. Kathy Beard indicated neighbors were confused by the notification letters received since the first only included the four properties on Fairview Avenue and the second notification had the two additional properties which were part of their neighborhood. She also expressed a need for a traffic impact study to be completed and could not understand why that was not required. Ms. Beard asked the Board to delay a decision until a comprehensive plan on how to deal with the increased traffic could be completed.

Charlotte Smith expressed concern about the size of the development and loss of residential homes. She said the existing residential streets were not built to handle more traffic and she suggested entrances to the property should be provided from Fairview Avenue only. Ms. Smith asked that the developer work with the neighborhood to protect its character and safety. Commissioner Denning interjected he thought the developer was doing it right by not having an entrance off Fairview Avenue for people to make a left turn directly into the property. He pointed out how difficult it already was to access other properties to the left from Fairview Avenue.

Mr. Peterson explained the ability to waive a traffic study at this point and to request other improvements be made to the impacted right-of-way. He also pointed out the zone change was an early step to this development, which was still in the conceptual stage. There were several more steps to come such as approval of a detailed development plan and all the other permitting processes through the City. Mr. Peterson noted that a traffic study could still be required just at another stage of the development process. Commissioner Williams said he could understand the concern of the neighbors and from where they were coming.

Peter Smith stated he was directly impacted by the development and the increased number of vehicles that would travel in front of his home on Meadowlawn Avenue. He also said he was concerned about the amount of noise the development would generate. Mr. Broderick confirmed the development would face Fairview Avenue, including the residential units on the third floor, offices on the second floor and retail/commercial at ground level. He also clarified the right-turn only egress onto Fairview Avenue and need for access from the other two roads.

As a next door neighbor to the development, Betty Yates said she was initially concerned about it; however, after having met with the developers, she felt a little better. She stated the developer had already agreed to an eight (8) foot fence and to make other improvements with landscaping. Ms. Yates remarked she had always understood the properties on Fairview Avenue would become commercial, but many people were caught off guard with the two additional properties being included.

James Britt stated he was all for progress if it was moral. He said this development was affecting people and the developer's interest was only in what could be gained by investors instead of what will be lost by the neighborhood. He voiced concern for the encroachment on the neighborhood

and asked that safety, seclusion, security and serenity be taken into consideration. He reiterated he would support the project, but only if it was located somewhere else.

In response to questions about the potential for increased traffic, Public Works Director Greg Meredith confirmed it would be carefully considered and additional improvements to Greenlawn and Meadowlawn Avenues would be required if determined to be necessary.

Commissioner Denning acknowledged he just lived around the corner on Eastwood Avenue. He stated his decision would be based on the record from the public hearing and believed all the requirements were followed. Mayor Pro Tem Hill brought out one of the Planning Commissions' zone change notification signs and encouraged people to take note of it. She stated it is at the public hearing where your voices need to be heard. She specified the developer cannot be blamed since they did what they were supposed to do. She also remarked that the Planning Commission should go beyond the minimal notification requirements to avoid this lack of information received by the neighborhoods in the future.

Following a review of the next steps that could be taken by the Board, Commissioner Parrigin stated it is now incumbent upon the credibility of the developers to put their money where their mouth is and to do the right thing for the neighbors. Once the discussion ended, a roll call vote was taken.

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

First reading of Ordinance No. BG2016 - 44 was approved by unanimous vote of those present and voting.

CLOSED SESSION

Following a ten minute recess to clear the Commission Chamber, the Board of Commissioners with Mayor Wilkerson once again presiding, met at approximately 7:30 p.m. in closed session pursuant to KRS 61.810 (1) (c) as previously approved. Mr. DeFebbo confirmed no action was expected to follow the discussion.

ADJOURNMENT

Once all discussion concluded in closed session and there being no further business to come before the Board of Commissioners, at approximately 8:15 p.m., Mayor Wilkerson declared this meeting adjourned.

ADOPTED: December 20, 2016

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