

**MINUTES of REGULAR MEETING
of the BOARD of COMMISSIONERS
of the CITY of BOWLING GREEN, KENTUCKY
held MAY 1, 2018**

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 May 1, 2018. 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. Acting City Clerk Ashley Jackson called the roll, and the following members were present: Commissioner Joe W. Denning, Commissioner Brian "Slim" Nash, Commissioner Sue Parrigin, Commissioner Rick Williams and Mayor Bruce Wilkerson. Absent: none. There was a full quorum of the Board of Commissioners.

CITY MANAGER

Interim City Manager Katie Schaller-Ward followed up with regard to the status of the Downtown Improvements Project and public meeting held on April 23rd to review the final designs. She indicated the attendees voted 45-10 against reverse angle or back-in parking. The Board unanimously agreed to remove the reverse angle or back-in parking from the design and continue with the current configuration of pull-in parking. Schaller-Ward also mentioned additional suggestions from the public meeting, including a request to keep a left turn off of Main Avenue onto College Street, as well as relocation of designated loading and unloading zones in the downtown area are being reworked in the final designs.

Schaller-Ward requested a closed session for the purpose of deliberations of the future acquisition of real property by the City as publicity would likely affect the value of the specific piece of property to be acquired by the City, and discussions which might lead to the appointment of a City Manager, and this exception shall not be interpreted to permit discussions of general personnel matters in secret. Motion was made by Williams and seconded by Nash to convene in closed session following the regular meeting pursuant to KRS 61.810 (1) (b) and (f). Mayor Wilkerson called for roll call vote.

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

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

APPROVAL OF MINUTES

Minutes of Regular Meeting April 17, 2018 and Special Meetings April 18 and 19, 2018

Minutes of the above-referenced meetings were distributed to the Board of Commissioners with the Agenda for their review. Motion was made by Nash and seconded by Williams 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, Nash, Parrigin, Williams and Wilkerson
 Voting Nay: None

Motion to approve the minutes of the regular meeting of April 17, 2018 and special meetings of April 18 and 19, 2018 was approved by unanimous vote.

REGULAR AGENDA

ORDINANCE NO. BG2018 - 21

(Second Reading)

ORDINANCE RELATING TO NATURAL GAS FRANCHISE

AN ORDINANCE OF THE CITY OF BOWLING GREEN APPROVING EXTENSION OF NON-EXCLUSIVE NATURAL GAS FRANCHISE AGREEMENT WITH ATMOS ENERGY CORPORATION

Title and summary of Ordinance No. BG2018 - 21 was read by the Acting City Clerk. Motion was made by Parrigin and seconded by Williams for second reading of said Ordinance. City Attorney Gene Harmon explained the agreement is for an additional ten (10) years and once the term expires the City would be required to advertise to solicit responses, and also the franchise fee remains at 1%. Mayor Wilkerson asked for additional discussion, and with none, a roll call vote was taken.

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

Ordinance No. BG2018 - 21 was adopted by unanimous vote.

MUNICIPAL ORDER NO. 2018 - 65

MUNICIPAL ORDER APPROVING THE REAPPOINTMENTS OF DELANE SIMPSON AND JACK A. THOMAS TO THE BOWLING GREEN CODE ENFORCEMENT AND NUISANCE BOARD

Summary of Municipal Order No. 2018 - 65 was read by the Acting City Clerk. Motion was made by Williams and seconded by Parrigin 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, Nash, Parrigin, Williams and Wilkerson
Voting Nay: None

Municipal Order No. 2018 - 65 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2018 - 66

MUNICIPAL ORDER AUTHORIZING AND ACCEPTING BID #2018-47 FOR CENSUS TRACT 112 NEW HOUSING OPPORTUNITIES PROGRAM FROM HABITAT FOR HUMANITY OF BOWLING GREEN/WARREN COUNTY, INC. OF BOWLING GREEN, KENTUCKY IN AN AMOUNT NOT TO EXCEED \$500,000

Summary of Municipal Order No. 2018 - 66 was read by the Acting City Clerk. Motion was made by Parrigin and seconded by Williams for consideration of said Municipal Order. Interim City Manager Katie Schaller-Ward recommended award of the bid to Habitat for Humanity of Bowling Green/Warren County to extend the Durbin Estates infrastructure to construct new affordable housing units for twenty-two (22) families. Commissioner Denning requested clarification regarding two proposals that were received for this project, one of which was for the rehabilitation of fifteen (15)

homes and the one recommended for approval is for the new construction of twenty-two (22) homes. Neighborhood and Community Services Director Brent Childers explained the Community Development Block Grant (CDBG) funding objectives and said it was believed to be in the best interest of Census Tract 112 to construct twenty-two (22) new homes in Durbin Estates as it best fits the needs of the new housing opportunities program. Schaller-Ward confirmed the language within the proposal identified areas of eligibility for use of CDBG funds, which explains the reason for receiving proposals, for both rehabilitation and new construction. Mayor Wilkerson asked for additional discussion, and with none, a roll call vote was taken.

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

Municipal Order No. 2018 - 66 was approved by a majority vote.

MUNICIPAL ORDER NO. 2018 - 67

MUNICIPAL ORDER AUTHORIZING AND ACCEPTING THE PURCHASE OF TWO (2) ADDITIONAL POLICE VEHICLES UNDER BID #2018-21 FROM GILLIE HYDE CHRYSLER, INC. OF GLASGOW, KENTUCKY IN THE TOTAL AMOUNT OF \$45,868

Summary of Municipal Order No. 2018 - 67 was read by the Acting City Clerk. Motion was made by Nash and seconded by Denning for consideration of said Municipal Order. Schaller-Ward recommended the purchase of two (2) additional police vehicles for the Criminal Investigations Unit using a previous bid award for the same unit price. Mayor Wilkerson asked for additional discussion, and with none, a roll call vote was taken.

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

Municipal Order No. 2018 - 67 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2018 - 68

MUNICIPAL ORDER AUTHORIZING AND ACCEPTING BID #2018-45 FOR NORMALVIEW DRIVE ROADWAY IMPROVEMENTS, A COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PROJECT, THROUGH NONCOMPETITIVE NEGOTIATIONS FROM SCOTTY'S CONTRACTING & STONE, LLC OF BOWLING GREEN, KENTUCKY IN THE AMOUNT OF \$102,409.75

Summary of Municipal Order No. 2018 - 68 was read by the Acting City Clerk. Motion was made by Nash and seconded by Parrigin for consideration of said Municipal Order. Schaller-Ward explained the Normalview Drive roadway improvements would realign a section of Normalview Drive, extending through Pedigo Park, to improve the accessibility to and through the park. She added the City received one (1) bid which was considered non-responsive due to the failure to submit proper paperwork, therefore allowing the City to enter into noncompetitive negotiations. Grants Coordinator Nick Cook responded to a question and explained the City would be responsible for maintenance during the demolition phase. Also, Commissioner Nash requested property owners and tenants be properly notified in advance of the construction. Mayor Wilkerson asked for additional discussion, and with none, a roll call vote was taken.

ROLL CALL: Voting Yea: Denning, Nash, Parrigin, Williams and Wilkerson
Voting Nay: None
Municipal Order No. 2018 - 68 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2018 - 69

MUNICIPAL ORDER APPROVING THE YEAR 15 ANNUAL ACTION PLAN OF THE CONSOLIDATED PLAN FOR COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) ENTITLEMENT FUNDING AND AUTHORIZING ITS SUBMISSION TO THE U. S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Summary of Municipal Order No. 2018 - 69 was read by the Acting City Clerk. Motion was made by Parrigin and seconded by Nash for consideration of said Municipal Order. Schaller-Ward recommended approval of the Year 15 Annual Action Plan. Mayor Wilkerson asked for additional discussion, and with none, a roll call vote was taken.

ROLL CALL: Voting Yea: Denning, Nash, Parrigin, Williams and Wilkerson
Voting Nay: None
Municipal Order No. 2018 - 69 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2018 - 70

MUNICIPAL ORDER AUTHORIZING THE SUBMISSION OF AN APPLICATION FOR HOMELAND SECURITY GRANT FUNDS RELATED TO THE FIRST RESPONDER EQUIPMENT PROJECT THROUGH THE KENTUCKY OFFICE OF HOMELAND SECURITY FOR THE PURCHASE OF PERSONAL PROTECTIVE EQUIPMENT FOR THE FIRE DEPARTMENT IN AN AMOUNT UP TO \$17,962

Summary of Municipal Order No. 2018 - 70 was read by the Acting City Clerk. Motion was made by Nash and seconded by Parrigin for consideration of said Municipal Order. Schaller-Ward explained the grant funds will be used for the purchase of eight (8) full body personal protective equipment suits and one (1) digital pressure test kit. Mayor Wilkerson asked for additional discussion, and with none, a roll call vote was taken.

ROLL CALL: Voting Yea: Denning, Nash, Parrigin, Williams and Wilkerson
Voting Nay: None
Municipal Order No. 2018 - 70 was approved by unanimous vote.

ORDINANCE NO. BG2018 - 22

(First Reading)

ORDINANCE AMENDING CODE OF ORDINANCES

ORDINANCE AMENDING CHAPTER 23 (WATER AND SEWER) OF THE CITY OF BOWLING GREEN CODE OF ORDINANCES RELATED TO WATER AND SEWER RATE ADJUSTMENTS AS PROPOSED BY BOWLING GREEN MUNICIPAL UTILITIES (BGMU)

Title and summary of Ordinance No. BG2018 - 22 was read by the Acting City Clerk. Motion was made by Williams and seconded by Nash for first reading of said Ordinance. At the request of the Interim City Manager, Bowling Green Municipal Utilities (BGMU) Water/Sewer Systems Manager Mike Gardner reviewed the recommended revisions. Mr. Gardner indicated the two changes related to rate structure from cubic feet to gallons and some title changes. Commissioner Williams confirmed this did not include any rate increases. Mayor Wilkerson asked for additional discussion, and with none, a roll call vote was taken.

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

First reading of Ordinance No. BG2018 - 22 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2018 - 71

MUNICIPAL ORDER ACCEPTING DONATION FROM JOHN AND LINDA KELLY FAMILY CHARITABLE FOUNDATION TO EXPAND THE SCOPE OF SERVICE OF CAMP HAPPY DAYS

Summary of Municipal Order No. 2018 - 71 was read by the Acting City Clerk. Motion was made by Parrigin and seconded by Williams for consideration of said Municipal Order. Schaller-Ward explained it was the eleventh year to receive the donation and thanked the Kelly family for its continued support. Mayor Wilkerson asked for additional discussion, and with none, a roll call vote was taken.

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

Municipal Order No. 2018 - 71 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2018 - 72

MUNICIPAL ORDER ADOPTING MODERN AND ACCURATE LEGAL DESCRIPTIONS OF TERRITORIES PREVIOUSLY ANNEXED BY ORDINANCE

Summary of Municipal Order No. 2018 - 72 was read by the Acting City Clerk. Motion was made by Nash and seconded by Williams for consideration of said Municipal Order. Schaller-Ward described this would be the first of several municipal orders to come before the Board of Commissioners. She explained this is a clean-up related to previously approved annexation descriptions which are considered not to be easily mapped using new technologies, and the Secretary of State recommends the adoption of modern and accurate legal descriptions. It was also noted this action does not change the annexation. Mayor Wilkerson asked for additional discussion, and with none, a roll call vote was taken.

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

Municipal Order No. 2018 - 72 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2018 - 73

MUNICIPAL ORDER APPROVING AND ACCEPTING THE
REVISED CITY OF BOWLING GREEN NEW SIDEWALK
PROGRAM POLICY

Summary of Municipal Order No. 2018 - 73 was read by the Acting City Clerk. Motion was made by Parrigin and seconded by Williams for consideration of said Municipal Order. Schaller-Ward recommended approval of the revised Sidewalk Program Policy. Mayor Wilkerson asked for additional discussion, and with none, a roll call vote was taken.

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

Municipal Order No. 2018 - 73 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2018 - 74

MUNICIPAL ORDER APPROVING THE FISCAL YEAR 2019
SIDEWALK PROJECT LOCATIONS, INCLUDING DESIGN AND
SURVEY AND AUTHORIZING THE CITY LAW DEPARTMENT
TO NEGOTIATE THE PURCHASE OF PROPERTIES NECESSARY
FOR THESE PROJECTS, AND FURTHER AUTHORIZING
APPROPRIATE CITY OFFICIALS TO EXECUTE DEEDS,
EASEMENTS AND OTHER DOCUMENTS RELATED TO LAND
PURCHASES NECESSARY FOR THE PROJECTS

Summary of Municipal Order No. 2018 - 74 was read by the Acting City Clerk. Motion was made by Parrigin and seconded by Nash for consideration of said Municipal Order. At the request of Interim City Manager, Assistant City Engineer Kyle Hunt reviewed the Fiscal Year 2019 sidewalk project locations. Mr. Hunt provided a brief overview of the program and reported since 2008 the City constructed a total of 15.1 miles of new sidewalks. It was recommended to approve the Fiscal Year 2019 proposed sidewalk project locations to include: Sandra Street from Potter Avenue to the end of the sidewalk, Potter Avenue from Sandra Street to Morgantown Road, and Creekwood Avenue from the Greenways to Spring Creek Avenue. Mr. Hunt also pointed out the prioritized list will be available on the City's website once approved. Mayor Wilkerson asked for additional discussion, and with none, a roll call vote was taken.

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

Municipal Order No. 2018 - 74 was approved by unanimous vote.

ORDINANCE NO. BG2018 - 23

(First Reading)

ORDINANCE RENAMING STREET

ORDINANCE APPROVING THE RENAMING OF OLD
LOUISVILLE ROAD TO RIVER STREET

Title and summary of Ordinance No. BG2018 - 23 was read by the Acting City Clerk. Motion was made by Nash and seconded by Parrigin for first reading of said Ordinance. Schaller-

Ward explained an application was submitted to Public Works to rename Old Louisville Road to River Street. She stated the applicant originally requested the street name change as Riverfront Boulevard, however the boulevard reference did not meet standards, particularly related to public safety and a landscaped median. Mayor Wilkerson asked for additional discussion, and with none, a roll call vote was taken.

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

First reading of Ordinance No. BG2018 - 23 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2018 - 75

**MUNICIPAL ORDER APPROVING A JOB DEVELOPMENT
INCENTIVE PROGRAM EMPLOYEE WITHHOLDINGS CREDIT
AGREEMENT WITH JACK RILEY INVESTMENTS, LLC D/B/A
PINK LILY**

Summary of Municipal Order No. 2018 - 75 was read by the Acting City Clerk. Motion was made by Parrigin and seconded by Nash for consideration of said Municipal Order. Schaller-Ward reviewed the incentive agreement related to the expansion of Pink Lily in the Kentucky Transpark which is estimated to create 56 new jobs and provide a capital investment of \$2.1 million. She outlined the incentive program which provides up to 1% return of the withholdings from the creation of new jobs to maximize the 3% credit from the State, making the job development incentive worth approximately \$156,500 over a ten (10) year period. Mayor Wilkerson asked for additional discussion, and with none, a roll call vote was taken.

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

Municipal Order No. 2018 - 75 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2018 - 76

**MUNICIPAL ORDER APPROVING A JOB DEVELOPMENT
INCENTIVE PROGRAM EMPLOYEE WITHHOLDINGS CREDIT
AGREEMENT WITH OWL'S HEAD ALLOYS, INC.**

Summary of Municipal Order No. 2018 - 76 was read by the Acting City Clerk. Motion was made by Nash and seconded by Parrigin for consideration of said Municipal Order. Schaller-Ward reviewed the incentive agreement related to the expansion of Owl's Head Alloys, Inc. in the South Industrial Park which is estimated to create 17 new jobs and provide a capital investment of \$2.6 million. She outlined the incentive program which provides up to 1% return of the withholdings from the creation of new jobs to maximize the 3% credit from the State, making the job development incentive worth approximately \$27,400 over a five (5) year period. Mayor Wilkerson asked for additional discussion, and with none, a roll call vote was taken.

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

Municipal Order No. 2018 - 76 was approved by unanimous vote.

PRESENTATION OF ZONING ORDINANCE AMENDMENTS BY THE CITY-COUNTY
PLANNING COMMISSION

City-County Planning Commission Director Ben Peterson reviewed the zoning ordinance amendments and highlighted some major changes to include: a new Comprehensive Development Review (CDR) process and committee; replacement of the Detailed Development Plan with a Site Development Plan; Binding Elements changed to Development Plan Conditions; public notice requirements; traffic impact studies; alternate zoning process; amendments to the General Development Plan and Planned Unit Development (PUD); clarification of accessory apartments; various amendments to Single Family Residential Development, Multi-Family Residential Development, Commercial Development and Industrial Development standards, mixed-use provisions; modernized terms, Residential Use, Institutional Use, Commercial Use, Industrial Use and Temporary Use; and nonconforming structures, uses, lots and signs. Mr. Peterson further reviewed some changes that were considered non-major, such as Sanitary Sewer Connection provisions, final actions of Development Plan Conditions (to be formerly known as Binding Elements) and the proposal to allow digital billboards has since been removed from the amendments. Commissioner Nash requested clarification related to off-premise signage and Mr. Peterson confirmed the only off-premise signage that is allowed are billboards, however it was determined there is a need for further discussion regarding signage in the area that appears to be in violation of the Zoning Ordinance. Additionally, Mr. Peterson explained the enforcement of garbage bins from a zoning stand point in response to a question by Commissioner Nash. Neighborhood and Community Services (NCS) Director Brent Childers explained the requirements within Chapter 27 (Property Code) of the City of Bowling Green Code of Ordinances and confirmed NCS has enforcement mechanisms and awareness tools that can be utilized to reaffirm the requirements.

REQUEST FOR ADDITIONAL FUNDING FOR FY2018 AND FY2019 PUBLIC
TRANSIT SERVICES

Interim City Manager Katie Schaller-Ward explained the City is a recipient of direct appropriation for Federal Transit funding in which the City contracts with Community Action of Southern Kentucky to provide transit services for the City of Bowling Green. In order to maximize access to the federal funds for operating services only, the City is required to provide a 50/50 match of \$643,114, and now Community Action of Southern Kentucky is requesting additional funds for Fiscal Years 2018 and 2019. Community Action of Southern Kentucky Interim Executive Director Dr. Don Butler presented a request for matching funds for Fiscal Year 2019 Federal Section 5307 grant operating funds in an amount of \$454,080, an additional \$75,320 to complete the federally required local 50% match for operating the Fiscal Year 2018 Section 5307 grant. He further requests an amendment regarding in-kind donations for the Fiscal Year 2018 agreement and the same amounts to be included for Fiscal Year 2019, to include fuel in the amount of \$130,000 and preventative maintenance in the amount of \$40,000. He explained the reason for the request is due to a new ruling by the Federal Transit Administration (FTA) regarding the allowable in-kind match, resulting in a loss of \$214,800 in funds, as well as the Western Kentucky University Office of Transportation will not be renewing its contract for 2018-2019, which is an annual loss of approximately \$75,200. Dr. Butler confirmed Community Action plans to reevaluate the routes based on efficiency and need, as well as review the 2016 Metropolitan Planning Organization (MPO) Transit Study to seek findings and recommendations. In addition, Dr. Butler highlighted six (6) new principles for the operation of Community Action, including public transit: budget discipline for all operations based on expected revenue and actual expenditure trends, cost containment strategies, cost sharing, new sources of

contract revenue, performance measures and accountability in all fiscal and program services. Neighborhood and Community Services Director Brent Childers responded to a question regarding the in-kind and cash donations and explained the largest loss was the in-kind match from the property value of about \$200,000. Mr. Childers indicated there is pressure to make an immediate decision, but there are plans to research the structure and partnership further. The Board of Commissioners agreed to amend the Fiscal Year 2018 appropriation agreement to provide an additional \$75,320 in funding and present no more than a 3% increase to the Fiscal Year 2019 agency funding request.

PUBLIC COMMENTS

Following the conclusion of the regular agenda at approximately 6:35 p.m., Mayor Wilkerson opened the floor for any public comments about items not included on the agenda. Jennifer Morlan spoke in support of bikers, transportation, small business development, fraud department in the Police Department, decrease in business licensing fees and suicide prevention.

CLOSED SESSION

Following a brief recess to clear the Commission Chamber, the Board of Commissioners met at approximately 6:40 p.m. in closed session pursuant to KRS 61.810 (1) (b) and (f) 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 7:00 p.m., Mayor Wilkerson declared this meeting adjourned.

ADOPTED: May 15, 2018

APPROVED: Bruce Wilkerson
Mayor, Chairman of Board of Commissioners

ATTEST: Katy S. O'Connell Ward
City Clerk

Minutes prepared by Acting City Clerk Ashley Jackson