

**MINUTES of REGULAR MEETING
of the BOARD of COMMISSIONERS
of the CITY of BOWLING GREEN, KENTUCKY
held JUNE 7, 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 June 7, 2016. Mayor Bruce Wilkerson called the meeting to order. An invocation was given by Mark Lord, District Director for U. S. Representative Brett Guthrie, 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 Joe W. Denning, Commissioner Melinda M. Hill, Commissioner Rick Williams and Mayor Bruce Wilkerson. Absent: Commissioner Sue Parrigin. There was a quorum of the Board of Commissioners.

AWARDS & RECOGNITIONS

Dr. Victoria Gordon, President of Metro Louisville Chapter of the American Society for Public Administration (ASPA), presented the 2016 ASPA Distinguished Public Service Practitioner Award to City Manager Kevin DeFebbo. Mr. DeFebbo thanked the ASPA for this recognition and shared some of his experiences from the past 38 years as a public administrator.

Operation P.R.I.D.E. Executive Director Angie Alexieff presented P.R.I.D.E.'s June residential award to Sue Kitchens for improvements made to 613 Hampton Drive, and the commercial award to Wendy's of Bowling Green for renovations made to the Scottsville Road and Russellville Road locations. Bayne Million, Vice President of Wendy's of Bowling Green expressed his appreciation for the recognition. Mayor Wilkerson thanked both parties for their investments.

Mayor Wilkerson announced the City was recently recognized for its support of the student-athletes, coaches and administrators as a 2015-2016 Corporate Partner of the Mid-South Conference.

CITY MANAGER

City Manager Kevin D. DeFebbo requested late-filed Municipal Order No. 2016 - 106 be added to the agenda for consideration. Motion was made by Hill and seconded by Williams to add Municipal Order No. 2016 - 106 to the agenda. Mayor Wilkerson called for roll call vote.

ROLL CALL: Voting Yea: Denning, Hill, Williams and Wilkerson

 Voting Nay: None

Motion to add Municipal Order No. 2016 - 106 to the agenda was approved by unanimous vote.

APPROVAL OF MINUTES

Minutes of Regular Meeting May 17, 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 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: Denning, Hill, Williams and Wilkerson

 Voting Nay: None

Motion to approve the minutes of the regular meeting of May 17, 2016 was approved by unanimous vote.

PUBLIC COMMENTS

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

CHANGE ORDER OF AGENDA

Without objection, Mayor Wilkerson moved the late-filed item to the beginning of the agenda for consideration.

MUNICIPAL ORDER NO. 2016 - 106

MUNICIPAL ORDER APPROVING THE PROBATIONARY APPOINTMENT OF GREGORY D. MEREDITH TO THE POSITION OF PUBLIC WORKS DIRECTOR IN THE PUBLIC WORKS DEPARTMENT

Summary of Municipal Order No. 2016 - 106 was read by the Assistant City Manager/City Clerk. Motion was made by Denning and seconded by Hill for consideration of said Municipal Order. DeFebbo indicated he had been serving as the Interim Public Works Director for the past several months and used that period to discern how best to move the department forward. He recommended the appointment of Mr. Meredith and provided a summary of his qualifications. Mr. Meredith expressed his appreciation and excitement about the challenges and opportunities with taking the Public Works Department into the future. Mayor Wilkerson commented about having a chance to work with Mr. Meredith in the past and was looking forward to having him on the City's team. Commissioner Denning commended the City Manager for making a great choice. He stated the City was fortunate to get Mr. Meredith. Following the discussion, a roll call vote was taken.

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

Municipal Order No. 2016 - 106 was approved by unanimous vote.

RESUME REGULAR AGENDA

ORDINANCE NO. BG2016 - 17

(Second Reading)

ORDINANCE REZONING REAL ESTATE

ORDINANCE REZONING TRACTS OF LAND CONTAINING 80.69 ACRES FROM AG (AGRICULTURE) AND OP-C (OFFICE PROFESSIONAL-COMMERCIAL), WITH A GENERAL DEVELOPMENT PLAN TO PUD (PLANNED UNIT DEVELOPMENT), WITH A GENERAL DEVELOPMENT PLAN, LOCATED ON LOVERS LANE, PRESENTLY OWNED BY GREENHILLS DEVELOPMENT PARTNERS, LLC

Title and summary of Ordinance No. BG2016 - 17 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, Williams and Wilkerson
 Voting Nay: None

Ordinance No. BG2016 - 17 was adopted by unanimous vote.

MUNICIPAL ORDER NO. 2016 - 89

MUNICIPAL ORDER APPROVING THE PROMOTIONS OF CRAIG A. WHITE TO THE POSITION OF COMPANY COMMANDER/EMT AND D. SCOTT SHEHAN TO THE POSITION OF FIRE APPARATUS OPERATOR/EMT IN THE FIRE DEPARTMENT

Summary of Municipal Order No. 2016 - 89 was read by the Assistant City Manager/City Clerk. Motion was made by Hill and seconded by Denning for consideration of said Municipal Order. Fire Chief Jason Colson provided a summary of the qualifications and recommended each promotion. Mayor Wilkerson asked for additional discussion, and with none, a roll call vote was taken.

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

Municipal Order No. 2016 - 89 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2016 - 90

MUNICIPAL ORDER APPROVING THE PROMOTION OF JEREMY D. PURICHIA TO THE POSITION OF CREW SUPERVISOR II IN THE PARKS AND RECREATION DEPARTMENT, GOLF DIVISION

Summary of Municipal Order No. 2016 - 90 was read by the Assistant City Manager/City Clerk. Motion was made by Hill and seconded by Williams for consideration of said Municipal Order. Parks and Recreation Director Brent Belcher reviewed the qualifications for the recommended promotion. Mayor Wilkerson asked for additional discussion, and with none, a roll call vote was taken.

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

Municipal Order No. 2016 - 90 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2016 - 91

MUNICIPAL ORDER APPROVING THE PROBATIONARY APPOINTMENT OF ROBBIE D. HAMMOCK TO THE POSITION OF STAFF ACCOUNTANT IN THE FINANCE DEPARTMENT

Summary of Municipal Order No. 2016 - 91 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 reviewed the application process 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, Williams and Wilkerson
 Voting Nay: None

Municipal Order No. 2016 - 91 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2016 - 92

MUNICIPAL ORDER APPROVING THE PROBATIONARY
APPOINTMENT OF CRYSTAL M. DOERR TO THE POSITION OF
COMMUNICATIONS DISPATCHER IN THE POLICE
DEPARTMENT

Summary of Municipal Order No. 2016 - 92 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 an often demanding and vital position in public safety, DeFebbo indicated there was an open application process to continually seek individuals who are willing and capable of meeting those demands. He 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, Williams and Wilkerson
 Voting Nay: None

Municipal Order No. 2016 - 92 was approved by unanimous vote.

Mayor Wilkerson stated the next six items on the agenda related to routine appointments and reappointments to various boards and commissions which require the Board's approval.

MUNICIPAL ORDER NO. 2016 - 93

MUNICIPAL ORDER APPROVING THE APPOINTMENT OF EARL
KIRBY TO THE BOWLING GREEN-WARREN COUNTY
MILITARY LIAISON BOARD

Summary of Municipal Order No. 2016 - 93 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 asked for discussion, and with none, a roll call vote was taken.

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

Municipal Order No. 2016 - 93 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2016 - 94

MUNICIPAL ORDER APPROVING THE REAPPOINTMENTS OF
RYAN DEARBONE AND JERRY WILDER TO THE CITY OF
BOWLING GREEN CODE ENFORCEMENT AND NUISANCE
BOARD

Summary of Municipal Order No. 2016 - 94 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 asked for discussion, and with none, a roll call vote was taken.

ROLL CALL: Voting Yea: Denning, Hill, Williams and Wilkerson
 Voting Nay: None
Municipal Order No. 2016 - 94 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2016 - 95

MUNICIPAL ORDER APPROVING THE REAPPOINTMENT OF
ELAINE SMITH PRICE TO THE CITY-COUNTY BOARD OF
ADJUSTMENTS

Summary of Municipal Order No. 2016 - 95 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 asked for discussion, and with none, a roll call vote was taken.

ROLL CALL: Voting Yea: Denning, Hill, Williams and Wilkerson
 Voting Nay: None
Municipal Order No. 2016 - 95 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2016 - 96

MUNICIPAL ORDER APPROVING THE REAPPOINTMENT OF
STEVE SNODGRASS TO THE BOWLING GREEN MUNICIPAL
UTILITIES BOARD (BGMU)

Summary of Municipal Order No. 2016 - 96 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 asked for discussion, and with none, a roll call vote was taken.

ROLL CALL: Voting Yea: Denning, Hill, Williams and Wilkerson
 Voting Nay: None
Municipal Order No. 2016 - 96 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2016 - 97

MUNICIPAL ORDER APPROVING THE REAPPOINTMENTS OF
JOHNSTON BOYD AND BRIAN LOWDER TO THE BOWLING
GREEN HISTORIC PRESERVATION BOARD

Summary of Municipal Order No. 2016 - 97 was read by the Assistant City Manager/City Clerk. Motion was made by Hill and seconded by Denning for consideration of said Municipal Order. Mayor Wilkerson asked for discussion, and with none, a roll call vote was taken.

ROLL CALL: Voting Yea: Denning, Hill, Williams and Wilkerson
 Voting Nay: None
Municipal Order No. 2016 - 97 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2016 - 98

MUNICIPAL ORDER APPROVING THE REAPPOINTMENTS OF
MIKE HUGHES AND DHARMI SHAH AND APPOINTMENT OF

LEON VOLKERT TO THE BOWLING GREEN AREA
CONVENTION AND VISITORS BUREAU

Summary of Municipal Order No. 2016 - 98 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 asked for discussion, and with none, a roll call vote was taken.

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

Municipal Order No. 2016 - 98 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2016 - 99

MUNICIPAL ORDER AUTHORIZING PUBLIC SAFETY
SOFTWARE SUBSCRIPTION SERVICES FROM INFOR PUBLIC
SECTOR, INC. IN THE AMOUNT OF \$68,275.51 FOR FISCAL
YEAR 2017

Summary of Municipal Order No. 2016 - 99 was read by the Assistant City Manager/City Clerk. Motion was made by Hill and seconded by Denning for consideration of said Municipal Order. DeFebbo explained this software was the backbone for public safety services. As a sole source provider, he recommended approval of the continued subscription services and indicated the cost for FY2017 was less compared to FY2016. Mayor Wilkerson asked for additional discussion, and with none, a roll call vote was taken.

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

Municipal Order No. 2016 - 99 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2016 - 100

MUNICIPAL ORDER AUTHORIZING THE CONTINUATION OF A
CONTRACT WITH J & F JANITORIAL SERVICES, INC. OF
SOMERSET, KENTUCKY FOR JANITORIAL SERVICES IN THE
AMOUNT OF \$211,060

Summary of Municipal Order No. 2016 - 100 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 reviewed and recommended the bid renewal for the second year with the added cost of the City Care Center. Mayor Wilkerson asked for additional discussion, and with none, a roll call vote was taken.

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

Municipal Order No. 2016 - 100 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2016 - 101

MUNICIPAL ORDER AUTHORIZING AND ACCEPTING BID
#2016-45 FOR THE PURCHASE OF A CRIME SCENE VAN FOR

THE POLICE DEPARTMENT FROM GILLIE HYDE FORD OF
GLASGOW, KENTUCKY IN THE AMOUNT OF \$33,265

Summary of Municipal Order No. 2016 - 101 was read by the Assistant City Manager/City Clerk. Motion was made by Hill and seconded by Denning for consideration of said Municipal Order. DeFebbo reviewed 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, Williams and Wilkerson
 Voting Nay: None

Municipal Order No. 2016 - 101 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2016 - 102

MUNICIPAL ORDER AUTHORIZING AND ACCEPTING BID
#2016-48 FOR CITY HALL ANNEX AIR CONDITIONER
REPLACEMENT PROJECT FROM LYONS SERVICE COMPANY
OF BOWLING GREEN, KENTUCKY IN THE AMOUNT OF \$81,765

Summary of Municipal Order No. 2016 - 102 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 reviewed and recommended the bid award to proceed with the replacement before the units fail. Mayor Wilkerson asked for additional discussion, and with none, a roll call vote was taken.

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

Municipal Order No. 2016 - 102 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2016 - 103

MUNICIPAL ORDER AUTHORIZING PAYMENTS TO AT&T AND
BOWLING GREEN MUNICIPAL UTILITIES (BGMU) FOR
RELOCATION OF UTILITIES FOR SMALLHOUSE ROAD
IMPROVEMENTS, PHASE I

Summary of Municipal Order No. 2016 - 103 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 approval of the utility relocation services related to the widening project for Smallhouse Road. Mayor Wilkerson asked for additional discussion, and with none, a roll call vote was taken.

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

Municipal Order No. 2016 - 103 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2016 - 104

MUNICIPAL ORDER APPROVING PARKS AND RECREATION
FEES

Summary of Municipal Order No. 2016 - 104 was read by the Assistant City Manager/City Clerk. Motion was made by Hill and seconded by Williams for consideration of said Municipal Order. At the request of the City Manager, Parks and Recreation Director Brent Belcher reviewed the proposed fee schedule for the coming year. He highlighted seven new fees, most of which related to taking over the adult athletic leagues formerly part of the Bowling Green Athletic Association (BGAA). He noted some housecleaning measures were made to eliminate a total of 37 fees and charges which were no longer in-use. Mr. Belcher also responded to questions about the distribution and posting of the fees. Once the discussion ended, a roll call vote was taken.

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

Municipal Order No. 2016 - 104 was approved by unanimous vote.

CHANGE ORDER OF AGENDA

Mayor Wilkerson requested consideration of Municipal Order No. 2016 - 105 be moved to the end of the regular agenda. With no objections, the next item on the agenda was brought forth.

ORDINANCE NO. BG2016 - 18

(First Reading)

ORDINANCE ADOPTING ANNUAL CITY BUDGET

ORDINANCE ADOPTING THE CITY OF BOWLING GREEN, KENTUCKY ANNUAL OPERATING BUDGET FOR FISCAL YEAR BEGINNING JULY 1, 2016 AND ENDING JUNE 30, 2017, BY ESTIMATING REVENUES AND APPROPRIATING FUNDS FOR THE OPERATION OF CITY GOVERNMENT

Title and summary of Ordinance No. BG2016 - 18 was read by the Assistant City Manager/City Clerk. Motion was made by Hill and seconded by Denning for first reading of said Ordinance. Since the budget presentation took place at the May 17th meeting, DeFebbo reiterated the budget recommendation does not include any tax increases for the 14th consecutive year. He also explained that since the City has been able to reduce its cost footprint over the past several years, we are now able to benefit from a more robust economy and provide funding for part of the implementation of the Parks Master Plan, increase spending for the annual overlay project and new sidewalk construction, and continue to invest in stormwater as well as address capital equipment needs. Mayor Wilkerson stated this was a great budget and utilized existing tax resources very well. Mr. DeFebbo also reiterated the City's reserve balance would be increased from 20% to 25% to prepare for the next rainy day and plan for future fluctuations in the City's largest revenue source, occupational license fees. Commissioner Williams thanked all City employees for being willing to step up to take on additional responsibilities as needed over the past decade in order to keep from having to raise taxes. Once the discussion ended, a roll call vote was taken.

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

First reading of Ordinance No. BG2016 - 18 was approved by unanimous vote.

ORDINANCE NO. BG2016 - 19

(First Reading)

ORDINANCE RELATING TO CLASSIFICATION/PAY SCHEDULES

ORDINANCE AMENDING THE CLASSIFICATION/PAY SCHEDULES "G" FOR GENERAL CLASSIFIED, "S" FOR PROTECTIVE / SWORN, "D" FOR DEPARTMENT HEAD / MANAGEMENT, AND "U" FOR UNCLASSIFIED PART-TIME EMPLOYEES, AND AUTHORIZING PAY INCREASES FOR FISCAL YEAR 2017

Title and summary of Ordinance No. BG2016 - 19 was read by the Assistant City Manager/City Clerk. Motion was made by Hill and seconded by Williams for first reading of said Ordinance. DeFebbo reviewed and recommended approval of the pay increases for employees which were also discussed with the budget recommendation at the May 17th meeting. Mayor Wilkerson commented the information in the packets was well explained, and he expressed appreciation for a job well done. With no additional discussion, a roll call vote was taken.

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

First reading of Ordinance No. BG2016 - 19 was approved by unanimous vote.

Mayor Wilkerson stated he was recusing himself from consideration of Municipal Order No. 2016 - 105, and then left the Commission Chamber. With a quorum of the Board of Commissioners still present, Mayor Pro Tem Hill presided to continue the meeting.

MUNICIPAL ORDER NO. 2016 - 105

MUNICIPAL ORDER ACCEPTING AWARD OF BID FOR FISCAL AGENT SERVICES RELATED TO WORKFORCE INNOVATION AND OPPORTUNITY ACT (WIOA) FUNDING AND AUTHORIZING THE EXECUTION OF THE APPROPRIATE AGREEMENTS

Summary of Municipal Order No. 2016 - 105 was read by the Assistant City Manager/City Clerk. Motion was made by Williams and seconded by Denning for consideration of said Municipal Order. Mayor Pro Tem Hill asked for any discussion, and with none, a roll call vote was taken.

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

Municipal Order No. 2016 - 105 was approved by unanimous vote of those present.

BRIEF RECESS

With all of the action items on the agenda completed earlier than the specified time identified on the agenda for the discussion item, Mayor Pro Tem Hill called for a brief recess at 5:15 p.m. until the appropriate time arrived to begin the discussion. The meeting resumed at 5:30 p.m. as scheduled with Mayor Wilkerson once again presiding.

DISCUSSION

CSX CLOSING OF ROBINSON AVENUE AT RAILROAD TRACKS / CROSSING

Mayor Wilkerson explained this discussion was to offer an opportunity for people to express their opinions and ideas regarding the CSX closing, especially for those directly affected by this closing. He thanked Magistrate Tony Payne for also being present during the discussion since this area was within his electoral district.

At the request of the Mayor, City Engineer Melissa Cansler provided a chronological summary of events which lead to the decision by CSX to close its right-of-way access at Robinson Avenue. She reported that CSX's original plan included the addition/extension of a second track line across Old Morgantown Road in order to provide for a longer parking area for trains waiting on other trains to pass, which would essentially block traffic from crossing the tracks at Old Morgantown Road. She explained permits were already issued and materials were onsite for this construction to begin immediately. Ms. Cansler further conveyed that CSX was not aware of the volume of traffic as well as the number of pedestrians crossing at Old Morgantown Road until they visited. In an effort to explore other options that would keep Old Morgantown Road open and have the least negative impact on the community, CSX offered to close its right-of-way at Robinson Avenue. Although City staff continued trying to get CSX to pursue other areas outside of the city limits to provide the dual tracks for waiting trains, Ms. Cansler reported CSX was not willing to consider such areas due to the cost required to build the adequate infrastructure. In order for CSX to abandon the modifications proposed at Old Morgantown Road, an agreement was reached providing that the City would be reimbursed for removing pavement, providing a turn around and adding necessary landscape and signage to prevent vehicular and pedestrian crossing of the CSX right-of-way at Robinson Avenue. Ms. Cansler stated that it was only with the signed and finalized agreement that the City was given surety Old Morgantown Road would remain unaffected.

Before opening up the discussion, Mayor Wilkerson reiterated his personal apologies for not having more information out to the neighborhood before tonight. He stated all the comments will be recorded for Commissioner Parrigin, who was unable to attend due to a prior obligation.

Brian Howard, president of the Cedar Ridge Neighborhood Association, thanked the Board for the opportunity to speak and willingness to listen. He remarked he felt the neighborhood has not been represented or had an opportunity to be heard up to this point. As he continued, Mr. Howard voiced several concerns with the closing of Robinson Avenue and presented several questions, such as how CSX had the ability to restrict access, why adjacent property owners were not notified of the street closing per statute requirements, and what other considerations were being contemplated to provide a long-term solution for neighborhood access. He also asked to see documentation about reported fatalities and how this solution would make it safer. He wanted to know what residents were supposed to do to get to the west side of the tracks when Robinson Avenue is closed to thru traffic, Emmett Avenue is blocked by a waiting train, and they cannot legally make a left turn off Creason Street onto University Boulevard.

Attorney Hamp Moore cautioned this issue was presently the subject of a lawsuit. However, he responded to some of the issues raised by Mr. Howard, including the power of the Railroad to regulate its tracks without regard to local government concerns or having to go through a street closing process. He stated the federal courts have consistently held that local governments cannot regulate Railroads. He also described the process for closing of a street and which properties would be considered adjacent to the right-of-way, but reiterated this closing did not constitute a road closure according to the City-County Planning Commission and City staff since the portion being closed was

not actually considered public right-of-way. Following a clarification from Commissioner Denning, Mr. Moore stated it was his belief CSX had the right to terminate its at-grade crossing.

Several other individuals who live in the neighborhood also came forward to voice concerns and ask questions, including Victoria Golden Thompson, Mark Boling, Katrina Miner, Kelly Thompson, Michele Boling, Jim Huston, Rebecca Adams Simpson, Aaron McCormack, Tony Harkins, Jacky Shadowen, Anna Moore and Ed Yager. Mr. Boling inquired if there was a representative from CSX present at the meeting, asked for a copy of Ms. Cansler's comments and suggested improvements be considered for Creason Street. Mr. Howard wanted to know what assurances there would be that Emmett Avenue would not be blocked. Ms. Miner asked if any studies had been done to determine the impact to the McNeil Elementary School drop-off/pick-up traffic. Mr. Thompson asserted it looked like the City was closing the road since it was going to pull up the pavement. He also expressed concerns about "tanker bombs" being parked on the tracks so close to a residential area. Ms. Boling stated she was disappointed in City leaders for not having taken a stronger stand against CSX and challenge CSX to take a harder look at a better solution. Mr. Huston indicated their neighborhood has been cut off in recent years from other traffic improvements made around WKU's campus, including from the round-about on Nashville Road. He disagreed with residents having to pay the price just so CSX could make more profits. Ms. Simpson wanted to know how the City was going to increase safety and alleviate already heavy traffic on Creason Street, University Boulevard and Russellville Road at peak times. Mr. McCormack stated he had yet to hear how the City was going to help the neighborhood. Mr. Harkins wanted to know what Robinson Avenue would look like and when it be closed to thru traffic. Mr. Thompson again asked the Board to fight CSX and to make CSX prove in court it had the ability to close the right-of-way. Ms. Boling inquired if anyone had contacted Representative Guthrie about the issue. She asserted there had not been enough alternatives explored before the City said yes to closing Robinson Avenue. Ms. Shadowen insisted the impact to traffic needed to be considered especially since it was already difficult to get out of the neighborhood when WKU athletic events were going on. Ms. Moore remarked residents in the neighborhood would be totally inconvenienced because CSX was being very selfish in its consideration. She urged the Board to find a solution to solve this problem. Mr. Yager expressed concern about CSX representatives not attending this meeting because he wanted to hear what they had to say about the issues raised. Ms. Boling encouraged the Board to withdraw from the agreement until the litigation was resolved.

In response to some of the questions raised and concerns shared, Mayor Wilkerson said he did not think any CSX representatives were in attendance and surmised that was due to the pending lawsuit. He indicated the information provided by Ms. Cansler would be posted on the City's website and made available for anyone who was unable to attend the meeting. He also confirmed the City was trying to find some alternatives for better access to the neighborhood, but all of which took time to develop.

Ms. Cansler showed some preliminary alternatives to address traffic concerns and make improvements to the intersection of Creason Street at Emmett Avenue. She also presented a preliminary design concept for proposed changes to Robinson Avenue.

Because of his knowledge about trains, Commissioner Williams responded to questions about the requirement for two parallel railroad tracks and CSX's original plan to extend the two tracks north of Old Morgantown Road. He confirmed there were no assurances that Emmett Avenue would not be blocked from time to time. He also stated he agreed with all of the concerns expressed since he lives

in the same neighborhood and would be impacted just like everyone else. However, he felt his hands were tied due to the law which pre-empts local jurisdiction.

Commissioner Denning remarked about CSX coming to the City about 20 years ago wanting to close multiple crossings at the same time, which would have significantly cut off the west side of town from the rest of the city. He recounted the City was able to reason with CSX and avoid those closures. However, Commissioner Williams pointed out that the laws had changed shortly thereafter giving Railroads more control reducing local governments' ability to prevent such closures in the future.

Once those in attendance had an opportunity to speak, Mayor Wilkerson thanked everyone for coming to the meeting and for sharing their comments and concerns. He stated he wished he had a more definitive answer to some of the questions presented and remarked some of the answers will have to be worked out in court. Mr. Moore confirmed the case had been moved to federal court with U. S. District Court Judge Joseph McKinley, Jr. assigned to the case. He also confirmed that any hearings or trial would be held in Bowling Green.

Mayor Wilkerson again stated all comments from this meeting would be made available to everyone involved. With pending litigation, he also stated any further considerations or action by the Board regarding this issue would have to be made in consultation with the attorneys. The Mayor closed the discussion by reiterating the City would make every effort to share all new information as it became known.

ADJOURNMENT

Once the discussion ended and there being no further business to come before the Board of Commissioners, at approximately 6:45 p.m., Mayor Wilkerson declared this meeting adjourned.

ADOPTED: June 21, 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