

**MINUTES of REGULAR MEETING
of the BOARD of COMMISSIONERS
of the CITY of BOWLING GREEN, KENTUCKY
held FEBRUARY 20, 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 February 20, 2018. Mayor Bruce Wilkerson called the meeting to order and gave the invocation. 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 Brian "Slim" Nash, Commissioner Sue Parrigin, Commissioner Rick Williams, Commissioner Joe W. Denning 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 on housing and community development needs in Bowling Green for the Year 15 Community Development Block Grant (CDBG) entitlement program. He outlined eligible and prohibited activities, the process for drafting and approving the Year 15 Plan, and past investments made through this program. Mr. Childers explained 80% of the funds would be used for the Neighborhood Improvements Program (NIP) in the BG Reinvestment Area, currently focusing on Census Block 112. He reported the City anticipates to receive approximately \$534,000 for Year 15 funding. He also stated the comment period would remain open through March 11th. With no comments from the public during the hearing, the public hearing was closed.

AWARDS & RECOGNITIONS

On behalf of the African American Museum, Dr. John Long presented a plaque to Mr. DeFebbo recognizing all he has done during his tenure as City Manager in support of the Museum in Bowling Green.

CITY MANAGER

At the request of the City Manager, Neighborhood and Community Services Director Brent Childers announced the City has a chance to receive a designation as an "Opportunity Zone" for Census Tracts 101, 102, 103, 104 and 105 in the BG Reinvestment Area. He explained this designation was created under the new federal tax law and that the Governor's office determines what areas will be classified as Opportunity Zones and, if received, would provide tax advantages to individuals in these lower income areas of the City. The Opportunity Zone designation could be another tool to foster investment, economic development and new housing opportunities. After further discussion about the potential benefits, the Board had no objections with moving forward.

As this was his last meeting before retiring effective March 1st, City Manager Kevin D. DeFebbo thanked everyone who sent cards and provided him well-wishes. He stated he played only a part in the success of the City over the past several years as it took everyone's participation to pursue being the best city in Kentucky and adopting that philosophy. Mr. DeFebbo also commented about the benefits of the City being a City Manager form of government and thanked former City Manager

Chuck Coates for establishing the foundation from which he could expand upon and further develop and improve the organization.

APPROVAL OF MINUTES

Minutes of Regular Meeting February 6, 2018

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

Motion to approve the minutes of the regular meeting of February 6, 2018 was approved by unanimous vote.

REGULAR AGENDA

ORDINANCE NO. BG2018 - 7

(Second Reading)

ORDINANCE REZONING REAL ESTATE

ORDINANCE REZONING TRACTS OF LAND CONTAINING 4.3658 ACRES FROM R-E (RESIDENTIAL ESTATE) AND F (FLOODPLAIN) TO RM-4 (MULTI-FAMILY RESIDENTIAL) AND F (FLOODPLAIN) LOCATED ON OLD SCOTTSVILLE ROAD, PRESENTLY OWNED BY MFG BOWLING GREEN LAND, LLC

Title and summary of Ordinance No. BG2018 - 7 was read by the Assistant City Manager/City Clerk. Motion was made by Parrigin and seconded by Williams for second reading of said Ordinance. Mayor Wilkerson indicated this item was discussed and received first reading at the January 16th meeting. He instructed a final vote would be required to closeout this item before moving to the next item on the agenda. He asked for additional discussion, and with none, a roll call vote was taken.

ROLL CALL: Voting Yea: Parrigin and Wilkerson
 Voting Nay: Nash, Williams and Denning
Ordinance No. BG2018 - 7 was defeated by majority vote.

ORDINANCE NO. BG2018 - 9

(First Reading)

ORDINANCE DENYING REZONING OF REAL ESTATE

ORDINANCE REJECTING RECOMMENDATION OF THE CITY-COUNTY PLANNING COMMISSION AND DENYING REZONING TRACTS OF LAND CONTAINING 4.3658 ACRES FROM R-E (RESIDENTIAL ESTATE) AND F (FLOODPLAIN) TO RM-4 (MULTI-FAMILY RESIDENTIAL) AND F (FLOODPLAIN) LOCATED ON OLD SCOTTSVILLE ROAD, PRESENTLY OWNED BY MFG BOWLING GREEN LAND, LLC

Title and summary of Ordinance No. BG2018 - 9 was read by the Assistant City Manager/City Clerk. Based on the outcome of the previous item, Mayor Wilkerson stated this item was presented to reject the recommendation by the Planning Commission and to deny the rezoning. After the review of all of the available information related to this rezoning, including the summary of evidence presented to the Planning Commission and the Board of Commissioners, the testimony before the Planning Commission and arguments made before the Board of Commissioners, the packet provided by the Planning Commission, the Summary Minutes and binding elements, motion was made by Nash and seconded by Williams for first reading of said Ordinance to deny the application to rezone the subject real estate based on the following facts and conclusions:

- a. The Board of Commissioners agrees with the Planning Commission that the proposed Future Land Use Map amendment has not met the directive to amend the FLUM as outlined in LU-1.14 in the Comprehensive Plan; and,
- b. The Board of Commissioners disagrees with the Planning Commission that there have been major changes of an economic, physical or social nature within the Old Scottsville Road area which were not anticipated in the adopted Comprehensive Plan and which have substantially altered the basic character of the Old Scottsville Road area; and,
- c. The Board of Commissioners finds that while there have been changes involving commercial and residential developments along Cumberland Trace Road, those commercial and residential changes were limited to the Cumberland Trace Road area and were anticipated in the Comprehensive Plan; and,
- d. The Board of Commissioners further finds that there have not been any major changes of an economic, physical or social nature which were anticipated in the adopted Comprehensive Plan and which have substantially altered the basic character of the Old Scottsville Road area and that area remains as a low density residential area.

Mayor Wilkerson reiterated the process to be followed in order to reject the Planning Commission's recommendation, and he explained the voting procedure. With no further discussion, a roll call vote was taken.

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

First reading of Ordinance No. BG2018 - 9 was approved by majority vote.

MUNICIPAL ORDER NO. 2018 - 25

MUNICIPAL ORDER AUTHORIZING AND ACCEPTING THREE (3) BIDS FOR THE PURCHASE OF A RESCUE ENGINE (BID #2018-33), FOUR (4) FIRE ENGINES (BID #2018-34) AND A MID-MOUNT AERIAL PLATFORM (BID #2018-35) FROM FINLEY FIRE EQUIPMENT COMPANY, INC. OF MCCONNELSVILLE, OHIO IN THE TOTAL AMOUNT OF \$3,651,021; AND FURTHER AUTHORIZING THE TRADE-IN OF TWO (2) FIRE ENGINES AT A VALUE OF \$120,000

Summary of Municipal Order No. 2018 - 25 was read by the Assistant City Manager/City Clerk. Motion was made by Parrigin and seconded by Nash for consideration of said Municipal Order. DeFebbo indicated that during the recession the City was unable to purchase new equipment, but was now in a position to do so once again. Based on the total cost and use of Fire Improvement Fund monies, he suggested the purchase be financed which would be presented for consideration in a

separate action at a future date. Fire Chief Jason Colson provided an overview of the Fire Department's needs, and the evaluation and criteria considered for equipment replacement. He noted most fire apparatus have a 20 year life cycle in frontline service and reserve status before being replaced. Chief Colson showed examples of the types of fire trucks being considered for this purchase, and he reviewed the evaluation process and criteria used to make the recommendation for the bid award. Chief Colson further explained the replacement of existing apparatus would improve the dependability of frontline and reserve equipment for the Department. He confirmed the Fire Improvement Fund was viable and would provide the money for this purchase. He also responded to questions about delivery time for the new units and disposition of the old units.

Mayor Wilkerson stated this is a very expensive purchase because the trucks are custom built and the City tries to provide the best equipment possible. Chief Financial Officer Jeff Meisel indicated he was looking at financing options for the Fire Improvement Fund to cover all of the costs as it has done for all Fire equipment and facility needs since its inception. Once the discussion ended, a roll call vote was taken.

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

Municipal Order No. 2018 - 25 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2018 - 26

MUNICIPAL ORDER AUTHORIZING RENEWAL OF BID #2017-37 FOR UNIFORMS FOR THE POLICE DEPARTMENT FROM CMS UNIFORMS & EQUIPMENT COMPANY, INC. OF NASHVILLE, TENNESSEE, GALLS, LLC OF LEXINGTON, KENTUCKY AND NAT'S OUTDOOR SPORTS OF BOWLING GREEN, KENTUCKY

Summary of Municipal Order No. 2018 - 26 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 renewal of the uniform bid awards for an additional year at the same pricing. Mayor Wilkerson asked for additional discussion, and with none, a roll call vote was taken.

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

Municipal Order No. 2018 - 26 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2018 - 27

MUNICIPAL ORDER AUTHORIZING A CHANGE ORDER TO THE CONTRACT WITH BOWLING GREEN MUNICIPAL UTILITIES FOR THE RELOCATION OF UTILITIES FOR SMALLHOUSE ROAD IMPROVEMENTS, PHASE I IN THE AMOUNT OF \$16,128.94, FOR A TOTAL PROJECT COST OF \$48,128.94

Summary of Municipal Order No. 2018 - 27 was read by the Assistant City Manager/City Clerk. Motion was made by Parrigin and seconded by Nash for consideration of said Municipal Order. At the request of the City Manager, Public Works Director Greg Meredith provided an overview of the change order related to the relocation of two utility poles. He also provided an update

of the Phase II project construction schedule. Mayor Wilkerson asked for additional discussion, and with none, a roll call vote was taken.

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

Municipal Order No. 2018 - 27 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2018 - 28

MUNICIPAL ORDER AUTHORIZING AND APPROVING THE AGENT FEE DISCLOSURE STATEMENT THROUGH NONCOMPETITIVE NEGOTIATIONS WITH HOUCHENS INSURANCE GROUP, INC. IN THE TOTAL AMOUNT OF \$68,000

Summary of Municipal Order No. 2018 - 28 was read by the Assistant City Manager/City Clerk. Motion was made by Nash and seconded by Parrigin for consideration of said Municipal Order. At the request of the City Manager, Safety/Risk Manager David Weisbrodt provided an explanation of the negotiated fee for services versus the former arrangement which was commission based. Mayor Wilkerson asked for additional discussion, and with none, a roll call vote was taken.

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

Municipal Order No. 2018 - 28 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2018 - 29

MUNICIPAL ORDER AUTHORIZING THE SUBMISSION OF A 2018 GRANT APPLICATION TO THE FIREHOUSE SUBS PUBLIC SAFETY FOUNDATION FOR AN EMERGENCY INFLATABLE SHELTER IN THE AMOUNT UP TO \$20,185

Summary of Municipal Order No. 2018 - 29 was read by the Assistant City Manager/City Clerk. Motion was made by Nash and seconded by Parrigin for consideration of said Municipal Order. DeFebbo reviewed and recommended the submission of the grant application with no local match required. Mayor Wilkerson asked for additional discussion, and with none, a roll call vote was taken.

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

Municipal Order No. 2018 - 29 was approved by unanimous vote.

ORDINANCE NO. BG2018 - 10

(First Reading)

ORDINANCE REZONING REAL ESTATE

ORDINANCE REZONING TRACTS OF LAND CONTAINING 3.27 ACRES FROM RS-1A (SINGLE FAMILY RESIDENTIAL) TO RM-3 (MULTI-FAMILY RESIDENTIAL) LOCATED AT 1011 CAMPBELL LANE AND THE END OF MOHAWK DRIVE, PRESENTLY OWNED BY 34 PROPERTIES, LLC AND HARLAN-GRAY INVESTMENTS, LLC

Title and summary of Ordinance No. BG2018 - 10 was read by the Assistant City Manager/City Clerk. Motion was made by Parrigin and seconded by Williams for first reading of said Ordinance. Mayor Wilkerson stated the City-County Planning Commission recommended approval of this rezoning by a vote of 7-1. Attorney Chris Davenport, representing the applicant, described the proposed development for 32 2-story brick townhomes. He stated he believed the rezoning to be in compliance with the Future Land Use Map (FLUM) and he mentioned the concessions made through binding elements, such as restricting access to the property from the Shawnee neighborhood with a gated entrance at Mohawk Drive and following recommendations made by the State and City transportation officials regarding the mitigation of traffic impacts, including a right turn in/right turn out off Campbell Lane. Mr. Davenport responded to questions from Commissioner Denning about requirements for a traffic study, ingress/egress on Campbell Lane and its proximity to the intersection with Smallhouse Road, and the electronic gate access at Mohawk Drive. Commissioner Denning expressed concerns about the potential problems the new development may cause with its ingress/egress on Campbell Lane being located so close to the intersection with Smallhouse Road.

Mayor Wilkerson described the process the Board was following to consider the record of the Planning Commission's public hearing. Since no new testimony could be heard, he advised that only those who spoke at the hearing would have the ability to summarize their comments at this time if they wanted to step forward and be recognized.

Ralaina Hunley asked the Board of Commissioners to have a brand new hearing. She claimed there were procedural irregularities at the public hearing which provided the grounds for such a request. Based on this request, Planning Commission Attorney Hamp Moore recounted a couple of issues related to rental properties which were brought up at the public hearing for which the Planning Commission could not base its decision. He also referenced actions by the Planning Commission Chairperson to address procedural issues which were part of the record. Mayor Wilkerson reiterated that any reference to rental property in the record of the Planning Commission are to be ignored based on the Fair Housing Act, and City Attorney Gene Harmon concurred.

Commissioner Nash inquired if the opposition was allowed to make closing arguments. Mr. Moore explained the opposition was not afforded the opportunity to make opening or closing statements in this case since they did not have a representative to act as a single spokesperson on their behalf, which he recognized was part of the procedures adopted by the Planning Commission to address the length of the public hearings and to provide time for each case to be presented. Commissioner Nash said he thought each landowner should have the opportunity to make opening and closing statements regardless of the length of the meeting.

Gene Shy said the opposing neighbors were not made aware in advance for the need to have a spokesperson. He said he thought there was a lot of supposition made at the public hearing which was left unanswered. He also expressed concerns about the traffic impacts on the existing neighborhood.

Following further clarification of the procedural process for which individuals still had the ability to speak at the public hearing with or without a designated spokesperson to provide opening or closing statements, Ralaina Hunley stepped forward once again to summarize her testimony. She disputed the ten different goals identified with which the rezoning was to comply. She did not believe this rezoning met any of the goals as it was not compatible with or fit the character of the existing

single family neighborhood. Blake Hunley stated he did not want this development to add traffic and impact the school and ability of kids to ride their bikes in the Shawnee neighborhood. Diana McQuady mentioned a petition to oppose the rezoning was presented at a prior rezoning request, which rezoning was denied. Traci Duff referenced the FLUM and indicated the proposed new development was incompatible. She was also concerned about the increase in traffic. Donald Travis said he had no issues with the portion of property which was designated on the FLUM for commercial property fronting Campbell Lane, however, he was opposed to the back portion of the property which was being split off from single family residential lots which connected to Mohawk Drive. Melanie Shy said her biggest concerns were with the traffic and the development not being compatible to the existing single family neighborhood. She also wondered why allowing access at Mohawk Drive would be acceptable now when the Board of Commissioners previously closed access to the Shawnee neighborhood at Navaho Drive and Shawnee Way at the entrance to Lost River Estates.

Following additional discussion about the rules in effect by the Planning Commission for the public hearing which limited the ability for individuals to speak, Mr. Moore confirmed those rules were stated at the meeting, but not published on the website.

Commissioner Denning reminded everyone this was the first reading and the vote did not count until second reading. Mayor Wilkerson reiterated the process for consideration of this ordinance.

Commissioner Nash made a motion, seconded by Denning, to have a new hearing based upon those that were opposed to the rezoning were not aware that a spokesperson was needed, the rules governing the meeting were not published so people could see them when they prepared for the meeting, and some dispute whether there were new rules in effect for that evening. There was discussion about the process for the Board of Commissioners to undertake a completely new public hearing. Mr. Davenport stated he understood the need for due process and fundamental fairness, but argued the opposition had ample opportunity to present their issues and his client followed the procedures of the Planning Commission. He urged the Board to deny this motion for a new hearing as it would set a precedent for all decisions of the Planning Commission to be brought into question. At the suggestion of Mr. Harmon, Commissioner Nash amended his motion, seconded by Denning, to table first reading of Ordinance No. BG2018 - 10 pending a new hearing by the Board of Commissioners. With no other discussion, a roll call vote was taken.

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

Motion to table Ordinance No. BG2018 - 10 for a new hearing was defeated by majority vote.

Following clarification of the procedures for consideration of the Ordinance under debate, a roll call vote was taken.

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

First reading of Ordinance No. BG2018 - 10 was approved by majority vote.

ORDINANCE NO. BG2018 - 11

(First Reading)

ORDINANCE RELATING TO BUDGET AMENDMENT

ORDINANCE APPROVING AMENDMENT NUMBER TWO TO
THE CITY OF BOWLING GREEN, KENTUCKY ANNUAL
OPERATING BUDGET FOR FISCAL YEAR 2018

Title and summary of Ordinance No. BG2018 - 11 was read by the Assistant City Manager/City Clerk. Motion was made by Parrigin and seconded by Williams for first reading of said Ordinance. DeFebbo stated this item was a general housekeeping matter. Mayor Wilkerson asked for additional discussion, and with none, a roll call vote was taken.

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

First reading of Ordinance No. BG2018 - 11 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2018 - 30

MUNICIPAL ORDER APPROVING AND AUTHORIZING THE
MAYOR TO EXECUTE A MOTORCYCLE LEASE AGREEMENT
WITH MOTOR SPORTS OF BOWLING GREEN, INC. FOR LEASE
OF FOUR (4) STANDARD POLICE PACKAGE HARLEY-
DAVIDSON MOTORCYCLES FOR THE SUM OF ONE DOLLAR
(\$1.00) EACH

Summary of Municipal Order No. 2018 - 30 was read by the Assistant City Manager/City Clerk. Motion was made by Williams and seconded by Nash for consideration of said Municipal Order. DeFebbo indicated this was the 14th year to lease motorcycles for the Police Department for a total of \$4.00 a year. Mayor Wilkerson thanked Martin Cornelius' family for its continued support. He asked for additional discussion, and with none, a roll call vote was taken.

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

Municipal Order No. 2018 - 30 was approved by unanimous vote.

ORDINANCE NO. BG2018 - 12

(First Reading)

ORDINANCE ANNEXING PROPERTY BY CONSENT

ORDINANCE ANNEXING 143.28 ACRES OF PROPERTY
LOCATED AT 113 AND 435 BROOKWOOD DRIVE, 4701 AND
4859 MORGANTOWN ROAD AND 453 RIGELWOOD LANE, WITH
PROPERTY OWNED BY JERRY E. BAKER BY AND THROUGH
THE ESTATE OF JERRY E. BAKER, THE JERRY E. BAKER
FOUNDATION, INC., TEXAS GAS TRANSMISSION, LLC AND
THE CITY OF BOWLING GREEN, AND 3.26 ACRES OF RIGHT-
OF-WAY FOR A TOTAL OF 146.54 ACRES WITH SAID
TERRITORY BEING CONTIGUOUS TO EXISTING CITY LIMITS

Title and summary of Ordinance No. BG2018 - 12 was read by the Assistant City Manager/City Clerk. Motion was made by Parrigin and seconded by Nash for first reading of said Ordinance. At the request of Commissioner Parrigin, who sponsored this item, Neighborhood and Community Services Director Brent Childers explained he was approached to assist with facilitation of

this annexation. He described the location and connection to existing city limits using right-of-way and City-owned property. Commissioner Parrigin indicated that this annexation had a lot to do with the public safety services provided by the City. Mr. Childers confirmed that no other residential property owners in the area were approached about annexation. Commissioner Nash suggested sending a letter to the adjacent property owners to let them know of the opportunities should they want to be annexed as well. Mr. Childers agreed. Keith Carwell, secretary of The Jerry E. Baker Foundation and co-executor of the Estate of Jerry E. Baker, commented about the benefit and value of the City's fire services for the museum and savings in insurance premiums after annexation. Once the discussion ended, a roll call vote was taken.

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

First reading of Ordinance No. BG2018 - 12 was approved by unanimous vote.

PUBLIC COMMENTS

Following the conclusion of the regular agenda and a brief recess, Mayor Wilkerson opened the floor for any public comments about items not included on the agenda. Jennifer Morlan asked that the Police Department give out tickets for violators of the noise ordinance in her neighborhood. She also asked the City to provide more funding for the Drug Task Force and small business development, as well as establish a fraud department and pass a fairness ordinance.

Matthew Bratcher, Kelly Embry, Lauren Key, Elliot Morris and Casey Volk all spoke in favor of the legalization of cannabis and medical marijuana. Mr. Embry, Communications Director for Kentucky NORML, asked the Board to pass a resolution to support this effort and he outlined its potential benefits. Ms. Key also outlined various benefits, such as the potential to generate new tax revenues and ability to curb the opioid crisis. Mr. Morris indicated 30 other states had implemented a cannabis program which aids in various medical treatments. Mr. Volk shared a personal story about how access to a form of cannabis medication saved his life.

Michael Gramling, Allison Dorsey, Francisco Serrano and Toby Fatzinger each spoke about incidents of hate crimes and the need to stand up against racism. Mr. Gramling stated the incidents of hate crimes have increased since the Trump administration took office. He asked the Board of Commissioners to address racial intolerance in the community and recommended actions the Board could take. Mr. Serrano suggested a strong unified voice could further combat hate.

BOARD OF COMMISSIONERS COMMENTS

Mayor Wilkerson wished Mr. DeFebbo well and thanked him for all that he has done for the City. Commissioner Nash also expressed his appreciation to Mr. DeFebbo for his service to the City.

ADJOURNMENT

There being no further business to come before the Board of Commissioners, at approximately 7:05 p.m., Mayor Wilkerson declared this meeting adjourned.

(Minutes-Board of Commissioners-February 20, 2018)

ADOPTED: March 6, 2018

APPROVED: Bruce Wilkerson
Mayor, Chairman of Board of Commissioners

ATTEST: Ashley Jackson
Acting City Clerk

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