

**MINUTES of REGULAR MEETING
of the BOARD of COMMISSIONERS
of the CITY of BOWLING GREEN, KENTUCKY
held APRIL 2, 2013**

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 7:00 p.m. on April 2, 2013. Mayor Bruce Wilkerson called the meeting to order. An invocation was given by Pastor Stephen Skinner of Faith Missionary Baptist Church, and all present recited the Pledge of Allegiance. Assistant City Manager/City Clerk Katie Schaller called the roll, and the following members were present: Commissioner Bill Waltrip, Commissioner Rick Williams, Commissioner Joe W. Denning and Mayor Bruce Wilkerson. Absent: Commissioner Melinda M. Hill. There was a quorum of the Board of Commissioners.

AWARDS AND RECOGNITIONS

Mayor Wilkerson asked if there were any awards, recognitions or announcements, and there were none.

CITY MANAGER

City Manager Kevin D. DeFebbo had no comments at this time.

APPROVAL OF MINUTES

Minutes of Regular Meeting March 19, 2013

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

Motion to approve the minutes of the regular meeting of March 19, 2013 was approved by unanimous vote.

PUBLIC COMMENTS

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

REGULAR AGENDA

MUNICIPAL ORDER NO. 2013 - 47

**MUNICIPAL ORDER APPROVING THE APPOINTMENTS OF
JOHN DAVID COLE AND HARRY FORD TO THE HOBSON
HOUSE COMMISSION**

Summary of Municipal Order No. 2013 - 47 was read by the Assistant City Manager/City Clerk. Motion was made by Waltrip and seconded by Williams for consideration of said Municipal Order. Mayor Wilkerson indicated that both of the individuals were new appointees to this board replacing James Harris, Jr. and Regina Jackson. He thanked Mr. Harris and Ms. Jackson for their service to this board and the community. With no other discussion, a roll call vote was taken.

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

Municipal Order No. 2013 - 47 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2013 - 48

MUNICIPAL ORDER AUTHORIZING AND ACCEPTING BID #2013-25 FOR FISCAL YEAR 2012 SIDEWALK CONSTRUCTION PROGRAM, PHASE II FROM STEWART RICHEY CONSTRUCTION, INC. OF BOWLING GREEN, KENTUCKY IN THE TOTAL AMOUNT OF \$177,019.50

Summary of Municipal Order No. 2013 - 48 was read by the Assistant City Manager/City Clerk. Motion was made by Waltrip and seconded by Williams for consideration of said Municipal Order. DeFebbo indicated that this project would construct a total of 1,100 square feet of sidewalk and include ADA compliant ramps on Lehman Avenue and on Ogden Way. Assistant City Engineer Kyle Hunt provided an overview of the project selection process, including the approval of candidate projects by the Board of Commissioners, conducting a public meeting with area residents, completion of final design and proceeding to acquisition of personal property and/or easements as required. Mr. DeFebbo reviewed the bidding process and recommended the contract be awarded to the lowest responsible and responsive bidder. Once discussion ended, a roll call vote was taken.

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

Municipal Order No. 2013 - 48 was approved by unanimous vote.

ORDINANCE NO. BG2013 - 5

(First Reading)

ORDINANCE REZONING REAL ESTATE

ORDINANCE REZONING TWO TRACTS OF LAND CONTAINING 7.1912 ACRES FROM RS-1A (SINGLE FAMILY RESIDENTIAL) TO PUD (PLANNED UNIT DEVELOPMENT) LOCATED AT 2922 SMALLHOUSE ROAD, PRESENTLY OWNED BY SMALLHOUSE ROAD PARTNERS, LLC

Title and summary of Ordinance No. BG2013 - 5 was read by the Assistant City Manager/City Clerk. Motion was made by Waltrip and seconded by Denning for first reading of said Ordinance. Mayor Wilkerson reviewed the options the Board of Commissioners had regarding its consideration of this zone change as recommended by the City-County Planning Commission, including 1) approving as recommended; 2) conducting its own hearing; or 3) allowing each side an opportunity to summarize their testimony given at the previous public hearing, but not allow any new testimony. With no objections voiced, he stated the Board would proceed to hear from both sides of the issue and would

limit comments to only those individuals who spoke at the public hearing. Mayor Wilkerson confirmed that the Board had received a packet of the Planning Commission's record for review prior to this meeting.

City-County Planning Commission Director Steve Hunter provided an overview of the case and outcome of the public hearing which resulted in an 8-3 vote to approve the rezoning. He stated that it was an unusual case because new binding elements were negotiated and introduced from the floor of the public hearing. Within the renegotiated binding elements, Mr. Hunter pointed out that all structures would be detached single family units, limited to a total of 28, with no limitation to size of lot. However, he did note that if a lot touched or fronted on Smallhouse Road the structure had to be a minimum of 1,400 square feet and a maximum of three access points would be permitted onto Smallhouse Road. Mr. Hunter also responded to questions from the Board about the revised site plan, proposed lot configuration and preliminary conceptual design which were not finalized at this point. He confirmed that the Planning Commission would have an opportunity to review the plat when it was brought forward for approval.

Comm. Denning inquired if it would be possible to receive a copy of the plat or other phases of design before the zone change came before the Board of Commissioners. Mr. Hunter said it was possible, but not practical since the zone change was based on a concept. He also indicated that a plat could not be filed until the zone change was approved, and a detailed development plan including drainage provisions would not be provided until the building permit level of the development which would be reviewed on a home by home basis.

Comm. Waltrip asked what determined if a traffic study was required. Mr. Hunter provided the elements needed to trigger a traffic study and confirmed that this development did not fall into that category. However, he acknowledged that there was a previous master study completed by the City a few years ago when consideration of the road realignment was studied.

Mayor Wilkerson opened the floor for other comments, reiterating that only those individuals who spoke at the public hearing could come forward at this time to summarize their previous testimony. Sandra Pursley of 1319 Fleenor Way stepped up to explain that her property touched the development area. She identified other properties in the area that had previously experienced water issues following other changes made in the area. She expressed concern about the potential for flooding to occur in her back yard, and trusted that would not be the case here.

Attorney Kevin Brooks, representing Smallhouse Partners, LLC, agreed it was a really unusual case with a lot of changes made to the conceptual design during the public hearing. With regard to the discussion about lot plans and site development, he remarked that neither of those were part of the zoning process. However, he agreed that they would be addressed by the Planning Commission at the appropriate time. In conclusion, Mr. Brooks declared the zone change was consistent with the newly adopted Comprehensive Plan and he hoped the Board would vote in that way.

Following the discussion, a roll call vote was taken.

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

First reading of Ordinance No. BG2013 - 5 was approved by majority vote. Mayor Wilkerson stated he had a business conflict because he has a separate business relationship with some of the owners of this development.

MUNICIPAL ORDER NO. 2013 - 49

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. 2013 - 49 was read by the Assistant City Manager/City Clerk. Motion was made by Denning and seconded by Waltrip for consideration of said Municipal Order. DeFebbo indicated this was the sixth year to receive this donation and he thanked the family for its continued support. Mayor Wilkerson also expressed appreciation to the family for its commitment to this program and community. With no other discussion, a roll call vote was taken.

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

Municipal Order No. 2013 - 49 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2013 - 50

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

Summary of Municipal Order No. 2013 - 50 was read by the Assistant City Manager/City Clerk. Motion was made by Waltrip and seconded by Williams for consideration of said Municipal Order. As the ninth year to renew this lease, Mr. DeFebbo explained the City would receive four new motorcycles for use by the Police Department which would be returned in a year to be given four more new ones if the lease continued. Comm. Waltrip recounted his involvement as Police Chief with the initial proposal by Cornelius Martin. He and Mayor Wilkerson voiced appreciation to the Martin family and current management for continuing the arrangement. Mayor Wilkerson asked for additional discussion, and with none, a roll call vote was taken.

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

Municipal Order No. 2013 - 50 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2013 - 51

MUNICIPAL ORDER AUTHORIZING THE APPROVAL AND SUBMISSION OF FISCAL YEAR 2014 ANNUAL PLAN FOR THE HOUSING CHOICE VOUCHER (HVC) PROGRAM

Summary of Municipal Order No. 2013 - 51 was read by the Assistant City Manager/City Clerk. Motion was made by Waltrip and seconded by Denning for consideration of said Municipal

Order. DeFebbo explained the requirement by the Department of Housing and Urban Development (HUD) to approve an Annual Plan and Five Year Administrative Plan (considered in Municipal Order No. 2013 - 52). He recommended their approval which would assist with managing the HCV Program, formerly referred to as the Section 8 Program, more efficiently. Mayor Wilkerson asked for additional discussion, and with none, a roll call vote was taken.

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

Municipal Order No. 2013 - 51 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2013 - 52

**MUNICIPAL ORDER AUTHORIZING AND APPROVING
REVISIONS TO THE HOUSING CHOICE VOUCHER (HCV)
ADMINISTRATIVE PLAN FOR THE CITY'S HOUSING CHOICE
VOUCHER PROGRAM**

Summary of Municipal Order No. 2013 - 52 was read by the Assistant City Manager/City Clerk. Motion was made by Denning and seconded by Waltrip for consideration of said Municipal Order. Neighborhood and Community Services Director Brent Childers described the function of the Administrative Plan which was used as a guide for staff to follow. He explained that the proposed changes brought the Plan up to date and included elements required by HUD as well as local regulations to help administer the Plan. Mr. Childers confirmed that although the federal government may cut its funding, the City still maintained the same number of vouchers. He indicated that the Plan had built-in flexibility to reduce payment standards, establish minimum rates, and adjust utility assistance as needed to help balance the HCV Program. He also confirmed the potential to carry reserves from the previous year into the next year if needed to assist with covering any shortfall. Mayor Wilkerson asked for additional discussion, and with none, a roll call vote was taken.

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

Municipal Order No. 2013 - 52 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2013 - 53

**MUNICIPAL ORDER ACCEPTING AND ADOPTING THE CITY OF
BOWLING GREEN LANGUAGE ACCESS PLAN**

Summary of Municipal Order No. 2013 - 53 was read by the Assistant City Manager/City Clerk. Motion was made by Waltrip and seconded by Williams for consideration of said Municipal Order. DeFebbo stated there were approximately 49 different languages spoken in Bowling Green with about a third of the population not using English as their primary language. He reviewed and recommended approval of the Plan to assist employees with guiding individuals with Limited English Proficiency (LEP). Community Services Specialist (also referred to as the International Communities Liaison) Leyda Becker described the process undertaken to draft the Plan. She reported that 126 employees had been trained on how to properly assist LEP individuals and that a number of outreach efforts had been initiated in the community to provide access to City services.

Comm. Waltrip commended Ms. Becker for her leadership in that role and announced that the May *Spotlight on Bowling Green* program would feature this position. Comm. Williams also praised Ms. Becker for her hard work and accomplishments. Once discussion ended, a roll call vote was taken.

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

Municipal Order No. 2013 - 53 was approved by unanimous vote.

ORDINANCE NO. BG2013 - 6

(First Reading)

ORDINANCE ANNEXING PROPERTY BY CONSENT

ORDINANCE ANNEXING 56.96 ACRES OF PROPERTY LOCATED AT 1777 GLASGOW ROAD AND 164 FRED MADISON ROAD, WITH PROPERTY PRESENTLY OWNED BY THE INTER-MODAL TRANSPORTATION AUTHORITY (ITA) INC., AND 1.35 ACRES OF RIGHT-OF-WAY LOCATED ON MIZPAH ROAD, FOR A TOTAL OF 58.31 ACRES, AND SAID TERRITORY BEING CONTIGUOUS TO EXISTING CITY LIMITS

Title and summary of Ordinance No. BG2013 - 6 was read by the Assistant City Manager/City Clerk. Motion was made by Waltrip and seconded by Denning for first reading of said Ordinance. DeFebbo reviewed the request by the ITA to annex territory in the industrial park which would allow continued efforts to bring in new businesses. Mayor Wilkerson asked for additional discussion, and with none, a roll call vote was taken.

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

First reading of Ordinance No. BG2013 - 6 was approved by unanimous vote.

ADJOURNMENT

After announcing the date of the next regular meeting and with no further business to come before the Board of Commissioners, at approximately 7:45 p.m., Mayor Wilkerson declared this meeting adjourned.

ADOPTED: _____

APPROVED: _____
Mayor, Chairman of Board of Commissioners

ATTEST: _____
City Clerk