

**MINUTES of REGULAR MEETING
of the BOARD of COMMISSIONERS
of the CITY of BOWLING GREEN, KENTUCKY
held AUGUST 1, 2017**

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 August 1, 2017. Mayor Bruce Wilkerson called the meeting to order. An invocation was given by Commissioner Sue Parrigin, 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 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.

CITY MANAGER

City Manager Kevin D. DeFebbo stated the City received notice from Kelly Arnold of his intent to rescind the proposal of Gemini Homes which was submitted on April 19, 2017 for Bid #2017-53, related to a request for proposals (RFP) for the sale and development of a portion of 800 High Street located at Reservoir Hill Park (a small triangular lot on the other side of Cherry Drive). With no other proposals received for this RFP, DeFebbo confirmed this issue is now closed and no further action will be taken related to Bid #2017-53.

Mr. DeFebbo asked for a late-filed item related to an annexation be added to the agenda. Motion was made by Williams and seconded by Parrigin to add Ordinance No. BG2017 - 40 to the end of the agenda for consideration. Mayor Wilkerson called for roll call vote.

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

Motion to add Ordinance No. BG2017 - 40 to the end of the agenda for consideration was approved by unanimous vote.

Mr. DeFebbo also requested a closed session for the purpose of discussion regarding proposed litigation on behalf of the City related to the TIF Block 6 matter. Motion was made by Parrigin and seconded by Williams to convene in closed session following the regular meeting pursuant to KRS 61.810 (1) (c). Mayor Wilkerson called for roll call vote.

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

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

APPROVAL OF MINUTES

Minutes of Regular Meeting July 18, 2017

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

Motion to approve the minutes of the regular meeting of July 18, 2017 was approved by unanimous vote.

REGULAR AGENDA

ORDINANCE NO. BG2017 - 28

(Second Reading)

ORDINANCE REZONING REAL ESTATE

ORDINANCE REZONING TRACTS OF LAND CONTAINING APPROXIMATELY 1.97 ACRES FROM HB (HIGHWAY BUSINESS), LI (LIGHT INDUSTRIAL) AND UG (URBAN GROWTH OVERLAY) TO HI (HIGHWAY BUSINESS) AND LI (LIGHT INDUSTRIAL), REMOVING THE PROPERTY FROM THE LOVERS LANE OVERLAY DISTRICT, LOCATED ON A PORTION OF 2398 SCOTTSVILLE ROAD, PRESENTLY OWNED BY DIS IS IT, LLC

Title and summary of Ordinance No. BG2017 - 28 was read by the Assistant City Manager/City Clerk. Motion was made by Nash 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: Nash, Parrigin, Williams, Denning and Wilkerson
Voting Nay: None

Ordinance No. BG2017 - 28 was adopted by unanimous vote.

ORDINANCE NO. BG2017 - 29

(Second Reading)

ORDINANCE REZONING REAL ESTATE

ORDINANCE REZONING TRACTS OF LAND CONTAINING 2.0189 ACRES FROM CB (CENTRAL BUSINESS) AND PUD (PLANNED UNIT DEVELOPMENT) TO PUD (PLANNED UNIT DEVELOPMENT) LOCATED AT 700 AND 705 STATE STREET, PRESENTLY OWNED BY NEW MILLENNIUM REAL ESTATE, LLC

Title and summary of Ordinance No. BG2017 - 29 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 stated this recommendation was unanimously approved by the City-County Planning Commission. City-County Planning Commission Director Ben Peterson responded to questions about property lines and the proposed development. At the request of Commissioner Denning, Mr. Peterson agreed to provide the names of corporation members as part of the information passed along to the City for future rezoning items. When the discussion ended, a roll call vote was taken.

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

Ordinance No. BG2017 - 29 was adopted by unanimous vote.

ORDINANCE NO. BG2017 - 30
(Second Reading)
ORDINANCE REZONING REAL ESTATE

ORDINANCE REZONING TRACTS OF LAND CONTAINING 43.74 ACRES FROM LI (LIGHT INDUSTRIAL) AND F (FLOODPLAIN) TO HI (HEAVY INDUSTRIAL) AND F (FLOODPLAIN) LOCATED ON LOUISVILLE ROAD, PRESENTLY OWNED BY RALEIGH AND GIBBY SHELTON WITH SOUTHERN RECYCLING, LLC AS THE CONTRACT VENDEE

Title and summary of Ordinance No. BG2017 - 30 was read by the Assistant City Manager/City Clerk. Motion was made by Denning 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: Nash, Parrigin, Williams, Denning and Wilkerson
Voting Nay: None

Ordinance No. BG2017 - 30 was adopted by unanimous vote.

ORDINANCE NO. BG2017 - 31
(Second Reading)
ORDINANCE CLOSING A PUBLIC RIGHT-OF-WAY

ORDINANCE APPROVING THE CLOSING OF TWO UNNAMED ALLEYS LOCATED ON THE PROPERTY OF 1010 STATE STREET

Title and summary of Ordinance No. BG2017 - 31 was read by the Assistant City Manager/City Clerk. Motion was made by Parrigin and seconded by Nash for second reading of said Ordinance. 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

Ordinance No. BG2017 - 31 was adopted by unanimous vote.

ORDINANCE NO. BG2017 - 32
(Second Reading)
ORDINANCE ANNEXING PROPERTY BY CONSENT

ORDINANCE ANNEXING A TOTAL OF APPROXIMATELY 13.07 ACRES OF PROPERTY LOCATED AT 5800 SCOTTSVILLE ROAD, WITH PROPERTY PRESENTLY OWNED BY VGF INVESTMENTS, LLC, WITH SAID TERRITORY BEING CONTIGUOUS TO EXISTING CITY LIMITS; AND FURTHER APPROVING AN ASSOCIATED ECONOMIC DEVELOPMENT ANNEXATION INCENTIVE AGREEMENT

Title and summary of Ordinance No. BG2017 - 32 was read by the Assistant City Manager/City Clerk. Motion was made by Williams and seconded by Nash for second reading of said Ordinance. 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
Ordinance No. BG2017 - 32 was adopted by unanimous vote.

ORDINANCE NO. BG2017 - 33
(Second Reading)
ORDINANCE ANNEXING PROPERTY BY CONSENT

ORDINANCE ANNEXING 33.87 ACRES OF PROPERTY LOCATED AT 1854 THREE SPRINGS ROAD, PARCEL #042A-51, PRESENTLY OWNED BY THE ESTATE OF OWEN SIMS, AND 12.48 ACRES OF INTERSTATE 65 RIGHT-OF-WAY, FOR A TOTAL OF 46.35 ACRES WITH SAID TERRITORY BEING CONTIGUOUS TO EXISTING CITY LIMITS; AND FURTHER APPROVING AN ASSOCIATED ECONOMIC DEVELOPMENT ANNEXATION INCENTIVE AGREEMENT

Title and summary of Ordinance No. BG2017 - 33 was read by the Assistant City Manager/City Clerk. Motion was made by Nash 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: Nash, Parrigin, Williams, Denning and Wilkerson
 Voting Nay: None
Ordinance No. BG2017 - 33 was adopted by unanimous vote.

ORDINANCE NO. BG2017 - 27
(2nd First Reading)
ORDINANCE REZONING REAL ESTATE

ORDINANCE REZONING TRACTS OF LAND CONTAINING 0.2296 ACRE FROM RM-3 (MULTI-FAMILY RESIDENTIAL) TO RM-4 (MULTI-FAMILY RESIDENTIAL) LOCATED AT 1318 NUTWOOD STREET, PRESENTLY OWNED BY BRIAN TODD UTLEY

Title and summary of Ordinance No. BG2017 - 27 was read by the Assistant City Manager/City Clerk. Motion was made by Wilkerson and seconded by Williams for another first reading of said Ordinance, which received a first reading at the June 20th meeting and second reading at July 18th meeting. Mayor Wilkerson explained he requested this item be placed on the agenda for a new first reading since it received a tie vote at the last Board of Commissioners meeting and he wanted to have the positive action (approval) taken before the negative action (denial) of the zone change. He also reiterated this item did not have a recommendation from the City-County Planning Commission. Commissioner Parrigin summarized this zone change was a similar situation to one on Cherry Way that the Planning Commission denied. She said she felt it was important to follow a consistent plan. City-County Planning Commission Director Ben Peterson responded to questions about this item and the similar one on Cherry Way based on the record of the Planning Commission's public hearings.

Following clarification of the reason for bringing this ordinance back which had failed for lack of a majority vote at its second reading, a roll call vote was taken.

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

First reading of Ordinance No. BG2017 - 27 was accomplished. However, due to the outcome of Ordinance No. BG2017 - 35, it will not be brought back at the next meeting to receive another second reading as the matter has been resolved with a majority vote to deny the rezoning.

ORDINANCE NO. BG2017 - 35

(Second Reading)

ORDINANCE DENYING REZONING OF REAL ESTATE

ORDINANCE DENYING REZONING OF TRACTS OF LAND CONTAINING 0.2296 ACRE FROM RM-3 (MULTI-FAMILY RESIDENTIAL) TO RM-4 (MULTI-FAMILY RESIDENTIAL) LOCATED AT 1318 NUTWOOD STREET, PRESENTLY OWNED BY BRIAN TODD UTLEY

Title and summary of Ordinance No. BG2017 - 35 was read by the Assistant City Manager/City Clerk. Motion was made by Nash and seconded by Parrigin for second reading of said Ordinance. Mayor Wilkerson asked for discussion, and with none, a roll call vote was taken.

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

Ordinance No. BG2017 - 35 was adopted by majority vote.

ORDINANCE NO. BG2017 - 34

(First Reading)

ORDINANCE AMENDING CODE OF ORDINANCES

ORDINANCE AMENDING CHAPTER 15 (BUSINESS AND GENERAL REGULATIONS) OF THE CITY OF BOWLING GREEN CODE OF ORDINANCES TO MAKE REVISIONS TO SUBCHAPTER 15-6 (STORAGE, SALE AND USE OF FIREWORKS)

Ordinance No. BG2017 - 34, which was previously tabled at the July 18, 2018 Board of Commissioners meeting until this meeting, was left on the table indefinitely since the next item on the agenda (Ordinance No. BG2017 - 36) was proposed to take its place.

ORDINANCE NO. BG2017 - 36

(First Reading)

ORDINANCE AMENDING CODE OF ORDINANCES

ORDINANCE AMENDING CHAPTER 15 (BUSINESS AND GENERAL REGULATIONS) OF THE CITY OF BOWLING GREEN CODE OF ORDINANCES TO MAKE REVISIONS TO SUBCHAPTER 15-6 (STORAGE, SALE AND USE OF FIREWORKS) RELATED TO EDUCATIONAL REQUIREMENTS AND ENFORCEMENT

Title and summary of Ordinance No. BG2017 - 36 was read by the Assistant City Manager/City Clerk. Motion was made by Williams and seconded by Nash for first reading of said Ordinance. As co-sponsor, Commissioner Williams stated this proposed version kept the original ordinance language in place, and added language to help make it more enforceable for Police to cite violators and requires vendors to help educate the consumer about when, where and how fireworks can be discharged in the city limits. Commissioner Denning asked if anything would be banned and expressed concern about the enforcement language as he did not want to see anyone arrested or taken to jail. He was bothered by the fact fireworks has become such an issue and did not think it should be. Commissioner Nash confirmed no fireworks would be banned under this version and he clarified this was not an arrestable offense.

At the request of Commissioner Parrigin, City Attorney Gene Harmon explained the provisions of the ordinance and the ability given to cities by state statute to regulate the use of fireworks, including the proposal to broaden the term of the word "use" with a "presumption of use." Commissioner Parrigin expressed concern about the "presumption of use" and confiscation language. Police Chief Doug Hawkins said he viewed the proposed language related to possession as a violation for which evidence of the violation would be taken to support the charge in court. Commissioner Nash explained the "presumption of use" language only applied to the larger consumer fireworks and gave the Police the discretion and ability to confiscate as a way to deter people from breaking the law. He further explained he has heard over and over this is an issue of enforcement and this proposal was an effort to address that issue and still allow vendors to sell all that they currently are able to sell. Commissioner Williams commented we need to give the Police every tool we can give them to use at their discretion. He said that was what the proposed language was meant to do. He also pointed out nothing was added or changed to the existing penalties.

Police Chief Hawkins confirmed he was prepared to take a more proactive stance with development of an enforcement plan, which would put more officers in a position to enforce the law regardless of the outcome of this ordinance. Commissioner Parrigin said she thought the proactive enforcement and education was good, but she had a problem with the presumption language and wanted to hear back from the County Attorney who would have to prosecute it. Mr. Harmon clarified there were other state statutes that create presumptions allowing Police Officers to act. Mayor Wilkerson expressed frustration with what appears to be trying to redefine a violation to make probable cause the standard and he did not think it would standup in court. Commissioner Denning concurred with the Mayor and said it looked like we are adding words to meet our needs rather than meet the law.

There was additional discussion about the proposed language versus the existing laws and the addition of the educational component. In its simplest terms, Commissioner Nash emphasized the proposed ordinance has a bearing on whether or not the City is going to try to create laws that allow people who enjoy discharging fireworks to co-habitat for a month out of the year with people who do not enjoy having fireworks discharged right outside their homes. Like Commissioner Denning, he wished this issue did not come up every year. However, he believed this ordinance has a way of reducing how much it comes up next year if passed.

Following a clarification about the components of the ordinance, including the proposed language to require vendors to post signs and hand out flyers as part of the educational piece, a roll call vote was taken.

ROLL CALL: Voting Yea: Nash and Williams
 Voting Nay: Parrigin, Denning and Wilkerson
First reading of Ordinance No. BG2017 - 36 was accomplished.

MUNICIPAL ORDER NO. 2017 - 140

MUNICIPAL ORDER AUTHORIZING AND ACCEPTING BID #2017-68 FOR THE TRADE-IN AND PURCHASE OF CISCO SWITCH, WIRELESS AND SECURITY UPGRADES FROM JBK NETWORK CONSULTING, LTD OF BOWLING GREEN, KENTUCKY IN THE TOTAL AMOUNT OF \$386,229.69

Summary of Municipal Order No. 2017 - 140 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 City Manager's request, Chief Information Officer Lynn Hartley provided a brief overview of the recommended bid award. He explained several FY2018 network infrastructure and wireless related projects were combined into one bid to achieve cost savings. Mr. Hartley responded to questions about the number of locations served as well as the number of devices hooked up to the network. When 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. 2017 - 140 was approved by unanimous vote.

CHANGE ORDER OF AGENDA

At the request of the City Manager and with no objections from the Board of Commissioners, the order of the agenda was changed around for the next two items.

MUNICIPAL ORDER NO. 2017 - 142

MUNICIPAL ORDER AUTHORIZING AND ACCEPTING THE PURCHASE OF PULSAR CHLORINE BRIQUETTES FROM SPEAR CORPORATION OF ROACHDALE, INDIANA FOR FISCAL YEAR 2018 IN AN AMOUNT NOT TO EXCEED \$57,000 FOR THE PARKS AND RECREATION DEPARTMENT

Summary of Municipal Order No. 2017 - 142 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 reviewed and recommended the annual purchase for Russell Sims Aquatic Center and Circus Square Park fountain. 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. 2017 - 142 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2017 - 141

MUNICIPAL ORDER AUTHORIZING AND ACCEPTING BID #2017-22 FOR THE PRESTON MILLER PARK SOCCER COMPLEX CONSTRUCTION PROJECT FROM SCOTT & MURPHY, INC. OF BOWLING GREEN, KENTUCKY IN THE TOTAL AMOUNT OF \$2,136,080

Summary of Municipal Order No. 2017 - 141 was read by the Assistant City Manager/City Clerk. Motion was made by Parrigin and seconded by Nash for consideration of said Municipal Order. As a major vision included in the Parks Master Plan, DeFebbo recommended approval of the bid award for construction of the new soccer complex. Parks and Recreation Director Brent Belcher provided an overview of the project elements and timeline. Commissioner Nash indicated he appreciated the City was building this complex in an area where people want to play soccer. He also commended Mr. Belcher and Parks' staff for having the vision to identify the recreational needs of the community. 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. 2017 - 141 was approved by unanimous vote.

RESUME REGULAR ORDER OF AGENDA

MUNICIPAL ORDER NO. 2017 - 143

MUNICIPAL ORDER AMENDING MUNICIPAL ORDER NO. 2017-98, WHICH AUTHORIZED AND ACCEPTED NEGOTIATIONS AFTER SEALED BIDDING FOR BID #2017-58 FOR PRESTON MILLER PARK SOCCER AREA IMPROVEMENTS AND RUSSELL SIMS AQUATIC ENTRY BUILDING FROM SCOTT, MURPHY & DANIEL, LLC OF BOWLING GREEN, KENTUCKY IN THE TOTAL AMOUNT OF \$739,567, TO FURTHER AUTHORIZE THE DIRECT PURCHASE OF MATERIALS FROM VARIOUS VENDORS

Summary of Municipal Order No. 2017 - 143 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 recommended the amendment which was designed to save money. Parks and Recreation Director Brent Belcher explained the need to authorize the direct purchase of materials as part of this bid award. He confirmed the total bid amount would not change. With no additional discussion, a roll call vote was taken.

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

Municipal Order No. 2017 - 143 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2017 - 144

MUNICIPAL ORDER AUTHORIZING TWO CHANGE ORDERS TO THE CONTRACT WITH SCOTT & MURPHY, INC. OF BOWLING GREEN, KENTUCKY FOR THE FISCAL YEAR 2017 FOUNTAIN

SQUARE PARK REHABILITATION PROJECT, RELATED TO BID #2017-41, IN THE AMOUNT OF \$52,755, FOR A TOTAL PROJECT COST OF \$483,784.25

Summary of Municipal Order No. 2017 - 144 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 direction of the City Manager, Parks and Recreation Director Brent Belcher outlined the recommended change orders and provided a progress report on work being completed. When 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. 2017 - 144 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2017 - 145

MUNICIPAL ORDER AUTHORIZING AND ACCEPTING A PROPOSAL FROM VAUGHN & MELTON CONSULTING ENGINEERS, INC. OF LEXINGTON, KENTUCKY RELATED TO A REQUEST FOR QUALIFICATIONS FOR ENGINEERING AND DESIGN SERVICES FOR THE DOWNTOWN SQUARE IMPROVEMENTS PROJECT, BID #2017-57, IN AN AMOUNT NOT TO EXCEED \$275,000

Summary of Municipal Order No. 2017 - 145 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 recounted the consulting firm was introduced at the last meeting. Neighborhood and Community Services Director Brent Childers reiterated the long-term significance of this project and described the services, including an experienced public relations person, to be provided by Vaughn & Melton. He further indicated the proposed cost was determined to be market value for this type of service. Public Works Director Greg Meredith also addressed the reasonableness of the proposed cost, which brings innovation and ideas from an experienced firm, being in-line with similar proposals and projects conducted in other communities.

DeFebbo explained it is not every meeting the City approves to spend close to \$4 million for community improvements, however the City saved and planned for each of the items included on this agenda. He acknowledged the City did not spend much during the recession deferring projects which needed to be done and has committed to not issuing debt, but has incentivized job creation to help bring in revenues to take on these community investment projects. He urged the Board to approve the hiring of the consultant which he believed was properly priced for this type of work. Since he had some discomfort about the amount of money being spent, Mayor Wilkerson said he appreciated the effort to provide an explanation. 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. 2017 - 145 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2017 - 146

MUNICIPAL ORDER AUTHORIZING AND APPROVING A CONTRACT EXTENSION FOR DEMOLITION AND SINKHOLE REPAIR SERVICES RELATED TO BID #2017-07 FROM SCOTT & RITTER, INC. OF BOWLING GREEN, KENTUCKY IN THE TOTAL AMOUNT NOT TO EXCEED \$130,000

Summary of Municipal Order No. 2017 - 146 was read by the Assistant City Manager/City Clerk. Motion was made by Williams and seconded by Denning for consideration of said Municipal Order. DeFebbo reviewed the existing bid and recommended extending it for an additional year at the same rates. 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. 2017 - 146 was approved by unanimous vote.

RESOLUTION NO. 2017 - 1

RESOLUTION OF THE CITY OF BOWLING GREEN, KENTUCKY SUPPORTING THE SEPARATION OF THE COUNTY EMPLOYEES RETIREMENT SYSTEM (CERS) FROM THE KENTUCKY RETIREMENT SYSTEMS (KRS)

Summary of Resolution No. 2017 - 1 was read by the Assistant City Manager/City Clerk. Motion was made by Williams and seconded by Wilkerson for consideration of said Resolution. DeFebbo explained passage of this Resolution was urged by the Kentucky League of Cities (KLC) to protect the integrity of the city and county employees' retirement. He remarked cities and counties have been paying their bills with CERS currently 62% funded and it should not be brought down by the Kentucky state employee pension issues. Mayor Wilkerson specified ordinarily he was not a proponent of the City taking a position on national or state matters, however he acknowledged this issue had a direct nexus to Bowling Green. When the discussion ended, a roll call vote was taken.

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

Resolution No. 2017 - 1 was approved by majority vote. Commissioner Parrigin stated she was currently an active recipient in the Kentucky Employees Retirement System (KERS) which was also managed by KRS.

MUNICIPAL ORDER NO. 2017 - 147

MUNICIPAL ORDER APPROVING THE SUBMISSION OF THE FISCAL YEAR 2017 SECTION EIGHT MANAGEMENT ASSESSMENT PROGRAM (SEMAP) CERTIFICATION FOR THE HOUSING CHOICE VOUCHER PROGRAM

Summary of Municipal Order No. 2017 - 147 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 approval of this item. 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. 2017 - 147 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2017 - 148

MUNICIPAL ORDER AUTHORIZING THE SUBMISSION OF AN APPLICATION TO NEW AMERICAN ECONOMY AND WELCOMING AMERICA FOR THE GATEWAYS FOR GROWTH CHALLENGE GRANT IN THE AMOUNT UP TO \$12,500

Summary of Municipal Order No. 2017 - 148 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 reported Bowling Green was very blessed with job creation helping to have a sustainable community. However, he noted it has been difficult to provide qualified labor to fill those jobs. He recommended applying for grant funds to cover 50% of the cost to develop a strategic plan to reach out to new Americans. 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. 2017 - 148 was approved by unanimous vote.

ORDINANCE NO. BG2017 - 37

(First Reading)

ORDINANCE AMENDING CODE OF ORDINANCES

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

Title and summary of Ordinance No. BG2017 - 37 was read by the Assistant City Manager/City Clerk. Motion was made by Nash and seconded by Denning for first reading of said Ordinance. At the request of the City Manager, Neighborhood and Community Services Director Brent Childers provided a summary of the proposed changes which mirror recent changes in state law relating to how citations are to be served. 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. BG2017 - 37 was approved by unanimous vote.

ORDINANCE NO. BG2017 - 38

(First Reading)

ORDINANCE REZONING REAL ESTATE

ORDINANCE REZONING A TRACT OF LAND CONTAINING 0.83 ACRE FROM HB (HIGHWAY BUSINESS) TO LI (LIGHT INDUSTRIAL) LOCATED ON A PORTION OF 125 HUNTER COURT, PRESENTLY OWNED BY ONE TWO FIVE (125) HUNTER, LLC

Title and summary of Ordinance No. BG2017 - 38 was read by the Assistant City Manager/City Clerk. Motion was made by Williams and seconded by Nash for first reading of said Ordinance. Mayor Wilkerson stated this recommendation was unanimously approved by the City-County Planning Commission. 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

First reading of Ordinance No. BG2017 - 38 was approved by unanimous vote.

ORDINANCE NO. BG2017 - 39

(First Reading)

ORDINANCE REZONING REAL ESTATE

ORDINANCE REZONING TRACTS OF LAND CONTAINING 89.94 ACRES FROM AG (AGRICULTURE) TO RM-4 (MULTI-FAMILY RESIDENTIAL) AND HB (HIGHWAY BUSINESS) LOCATED AT 495 LOVERS LANE, PRESENTLY OWNED BY CHANDLER RESIDENTIAL, LLC, THE MEDICAL CENTER AND AMERICAN BANK AND TRUST

Title and summary of Ordinance No. BG2017 - 39 was read by the Assistant City Manager/City Clerk. Motion was made by Nash and seconded by Williams for first reading of said Ordinance. Mayor Wilkerson stated this recommendation for land recently annexed by the City was approved by the City-County Planning Commission with eight yeas and one abstention. 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

First reading of Ordinance No. BG2017 - 39 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2017 - 149

MUNICIPAL ORDER WAIVING FEES RELATED TO THE USE OF CIRCUS SQUARE PARK BY THE SKY SCIENCE FESTIVAL, INC. FOR SKY SCIENCE FESTIVAL'S EXPO DAY ON AUGUST 20, 2017

Summary of Municipal Order No. 2017 - 149 was read by the Assistant City Manager/City Clerk. Motion was made by Parrigin and seconded by Williams for consideration of said Municipal Order. DeFebbo recommended the fee waiver for use of Circus Square Park. He said he would like to see this be considered an annual event. SKy Science Festival Board of Directors Chairman Richard Gelderman commented about the number of exhibitors and activities planned in advance of the solar eclipse. 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. 2017 - 149 was approved by unanimous vote.

ORDINANCE NO. BG2017 - 40
(First Reading)
ORDINANCE ANNEXING PROPERTY BY CONSENT

ORDINANCE ANNEXING 3.12 ACRES OF PROPERTY LOCATED
AT 7288 LOUISVILLE ROAD PRESENTLY OWNED BY
NEWCOMB OIL CO., LLC, WITH SAID TERRITORY BEING
CONTIGUOUS TO EXISTING CITY LIMITS

Title and summary of Ordinance No. BG2017 - 40 was read by the Assistant City Manager/City Clerk. Motion was made by Parrigin and seconded by Nash for first reading of said Ordinance. Mayor Wilkerson indicated he supported the late-file in order to help the builder obtain its state liquor license needed to operate the new business at the location. With no additional discussion, a roll call vote was taken.

ROLL CALL: Voting Yea: Nash, Parrigin, Williams, Denning and Wilkerson
Voting Nay: None
First reading of Ordinance No. BG2017 - 40 was approved by unanimous vote.

PUBLIC COMMENTS

Following the conclusion of the regular agenda, Mayor Wilkerson opened the floor for any public comments about items not included on the agenda. Jennifer Morlan said the City needs to provide more funding for Police and small business development. She also said the City needed to act to pass a fairness ordinance. Dr. Jessica Ferguson specified it has been difficult to recruit and retain staff and students at WKU because the Board of Commissioners has not passed a fairness ordinance to show support for LGBTQ individuals effectively saying they are not welcome in Bowling Green.

CLOSED SESSION

Following a brief recess to clear the Commission Chamber, the Board of Commissioners met at approximately 6:55 p.m. in closed session pursuant to KRS 61.810 (1) (c) as previously approved. DeFebbo confirmed no action would follow the discussion related to the TIF Block 6 proposed litigation on behalf of the City.

ADJOURNMENT

Once all discussion concluded in closed session and there being no further business to come before the Board of Commissioners, at approximately 7:05 p.m., Mayor Wilkerson declared this meeting adjourned.

ADOPTED: August 15, 2017

APPROVED: Bruce Wilkinson
Mayor, Chairman of Board of Commissioners

ATTEST: Katie Schaller Ward
City Clerk

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