

**MINUTES of REGULAR MEETING
of the BOARD of COMMISSIONERS
of the CITY of BOWLING GREEN, KENTUCKY
held JANUARY 3, 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 January 3, 2017. Mayor Bruce Wilkerson called the meeting to order. An invocation was given by Firefighter Ryan Meredith, 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 Brian "Slim" Nash, Commissioner Sue Parrigin, Commissioner Rick Williams and Mayor Bruce Wilkerson. Absent: none. There was a full quorum of the Board of Commissioners.

AWARDS & RECOGNITIONS

Mayor Wilkerson welcomed back Commissioner Slim Nash to the Board of Commissioners. He also recognized the recent retirements of Fire Company Commander Todd Barnard with 20 years of service and Cemetery Sexton/Administrative Manager Beverly Fleenor with 32 years of service.

CITY MANAGER

City Manager Kevin D. DeFebbo requested a closed session for the purpose of discussion of pending litigation against the City. Motion was made by Denning 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: Denning, Nash, Parrigin, Williams 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 December 20, 2016

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: Denning, Nash, Parrigin, Williams and Wilkerson
 Voting Nay: None

Motion to approve the minutes of the regular meeting of December 20, 2016 was approved by unanimous vote.

PUBLIC COMMENTS

Jennifer Morlan indicated there was nothing to protect gay people and insisted a fairness act needed to be established. She said now was the time to stand up and put the item on the agenda. She also remarked she was going to work with Commissioner Nash to establish another bus route to improve transportation services.

CHANGE ORDER OF AGENDA

With no objections, Mayor Wilkerson changed the order of the agenda to bring forth the promotions for the Fire Department as the first item for consideration.

MUNICIPAL ORDER NO. 2017 - 7

MUNICIPAL ORDER APPROVING THE PROMOTIONS OF JOSEPH S. HARBIN TO THE POSITION OF COMPANY COMMANDER/EMT AND ANDREW J. EMBRY TO THE POSITION OF FIRE APPARATUS OPERATOR/EMT IN THE FIRE DEPARTMENT

Summary of Municipal Order No. 2017 - 7 was read by the Assistant City Manager/City Clerk. Motion was made by Denning and seconded by Nash for consideration of said Municipal Order. Fire Chief Jason Colson provided an overview of the two individual's qualifications and recommended their promotions. Mayor Wilkerson asked for additional discussion, and with none, a roll call vote was taken.

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

Municipal Order No. 2017 - 7 was approved by unanimous vote.

RESUME REGULAR AGENDA

ORDINANCE NO. BG2016 - 45

(Second Reading)

ORDINANCE REZONING REAL ESTATE

ORDINANCE REZONING TRACTS OF LAND CONTAINING 2.1893 ACRES FROM HB (HIGHWAY BUSINESS) TO PUD (PLANNED UNIT DEVELOPMENT) LOCATED AT 259 GREENWOOD LANE, PRESENTLY OWNED BY DMM INVESTMENTS, LLC

Title and summary of Ordinance No. BG2016 - 45 was read by the Assistant City Manager/City Clerk. Motion was made by Williams 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: Denning, Nash, Parrigin, Williams and Wilkerson
 Voting Nay: None

Ordinance No. BG2016 - 45 was adopted by unanimous vote.

ORDINANCE NO. BG2016 - 46

(Second Reading)

ORDINANCE REZONING REAL ESTATE

ORDINANCE REZONING TRACTS OF LAND CONTAINING 0.5165 ACRE FROM RM-3 (MULTI-FAMILY RESIDENTIAL) TO RM-4 (MULTI-FAMILY RESIDENTIAL) LOCATED AT 201, 214

AND 220 CHERRY WAY, PRESENTLY OWNED BY JASON AND
DENA MILLS AND JADE VENTURES, LLC

Title and summary of Ordinance No. BG2016 - 46 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 asked for discussion, and with none, a roll call vote was taken.

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

Ordinance No. BG2016 - 46 was adopted by unanimous vote.

ORDINANCE NO. BG2016 - 47

(Second Reading)

ORDINANCE REZONING REAL ESTATE

ORDINANCE REZONING TRACTS OF LAND CONTAINING 6.71 ACRES FROM RM-4 (MULTI-FAMILY RESIDENTIAL), NB (NEIGHBORHOOD BUSINESS) AND PUD (PLANNED UNIT DEVELOPMENT) TO PUD (PLANNED UNIT DEVELOPMENT) LOCATED AT 0, 1212 AND 1216 ADAMS STREET, 0 AND 1235 KENTUCKY STREET, AND 1313 CENTER STREET, PRESENTLY OWNED BY YELLOWFIN INVESTMENTS, LLC, BROOKSIDE KENTUCKY, LLC AND JOE DIEMER

Title and summary of Ordinance No. BG2016 - 47 was read by the Assistant City Manager/City Clerk. Motion was made by Williams and seconded by Denning 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, Nash, Parrigin, Williams and Wilkerson
Voting Nay: None

Ordinance No. BG2016 - 47 was adopted by unanimous vote.

ORDINANCE NO. BG2016 - 48

(Second Reading)

ORDINANCE REZONING REAL ESTATE

ORDINANCE REZONING TRACTS OF LAND CONTAINING 1.1347 ACRES FROM GB (GENERAL BUSINESS) TO PUD (PLANNED UNIT DEVELOPMENT) LOCATED AT 515 AND 529 CHESTNUT STREET AND 0 EAST 6TH AVENUE, PRESENTLY OWNED BY DOUGLAS GORMAN AND NORMAN BURKS C/O JANNA SHANNON WITH ROGERS REAL ESTATE HOLDINGS, LLC AS CONTRACT VENDEE

Title and summary of Ordinance No. BG2016 - 48 was read by the Assistant City Manager/City Clerk. Motion was made by Parrigin and seconded by Denning 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, Nash, Parrigin, Williams and Wilkerson
Voting Nay: None

Ordinance No. BG2016 - 48 was adopted by unanimous vote.

ORDINANCE NO. BG2016 - 49

(Second Reading)

ORDINANCE AMENDING CODE OF ORDINANCES

ORDINANCE AMENDING CHAPTER 11 (FINANCE, TAXATION AND ECONOMIC DEVELOPMENT) AND CHAPTER 18 (OCCUPATIONAL LICENSE FEES AND TAXES) OF THE CITY OF BOWLING GREEN CODE OF ORDINANCES TO MAKE ADMINISTRATIVE REVISION IDENTIFIED IN THE JUDICIAL REVIEW AND TO MAKE OTHER REVISIONS TO REMOVE OBSOLETE OR OUTDATED LANGUAGE

Title and summary of Ordinance No. BG2016 - 49 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 asked for discussion, and with none, a roll call vote was taken.

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

Ordinance No. BG2016 - 49 was adopted by unanimous vote.

MUNICIPAL ORDER NO. 2017 - 1

MUNICIPAL ORDER ELECTING JOE W. DENNING AS MAYOR
PRO TEM

Summary of Municipal Order No. 2017 - 1 was read by the Assistant City Manager/City Clerk. Motion was made by Wilkerson and seconded by Nash 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, Nash, Parrigin, Williams and Wilkerson
 Voting Nay: None

Municipal Order No. 2017 - 1 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2017 - 2

MUNICIPAL ORDER APPROVING THE APPOINTMENT OF COMMISSIONER JOE W. DENNING TO THE BOWLING GREEN AUDIT COMMITTEE AND WORKFORCE RECRUITMENT AND OUTREACH COMMITTEE

Summary of Municipal Order No. 2017 - 2 was read by the Assistant City Manager/City Clerk. Motion was made by Parrigin and seconded by Williams for consideration of said Municipal Order. Mayor Wilkerson indicated that these next few items (Municipal Order-Nos. 2017 - 2 through 2017 - 5) related to appointing elected officials to various boards for their new term in office. He asked for additional discussion, and with none, a roll call vote was taken.

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

Municipal Order No. 2017 - 2 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2017 - 3

MUNICIPAL ORDER APPROVING THE APPOINTMENT OF COMMISSIONER SUE PARRIGIN TO THE JOB DEVELOPMENT INCENTIVE PROGRAM COMMITTEE AND WARREN COUNTY DOWNTOWN ECONOMIC DEVELOPMENT AUTHORITY, INC.

Summary of Municipal Order No. 2017 - 3 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 Wilkerson asked for discussion, and with none, a roll call vote was taken.

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

Municipal Order No. 2017 - 3 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2017 - 4

MUNICIPAL ORDER APPROVING THE APPOINTMENT OF COMMISSIONER RICK WILLIAMS TO THE BOWLING GREEN MUNICIPAL UTILITIES BOARD

Summary of Municipal Order No. 2017 - 4 was read by the Assistant City Manager/City Clerk. Motion was made by Denning and seconded by Parrigin 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, Nash, Parrigin and Wilkerson
 Voting Nay: None
 Abstaining: Williams

Municipal Order No. 2017 - 4 was approved by majority vote.

MUNICIPAL ORDER NO. 2017 - 5

MUNICIPAL ORDER APPROVING THE APPOINTMENT OF COMMISSIONER BRIAN "SLIM" NASH TO THE JOB DEVELOPMENT INCENTIVE PROGRAM COMMITTEE AND BOWLING GREEN-WARREN COUNTY DRUG TASK FORCE

Summary of Municipal Order No. 2017 - 5 was read by the Assistant City Manager/City Clerk. Motion was made by Parrigin 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, Nash, Parrigin, Williams and Wilkerson
 Voting Nay: None

Municipal Order No. 2017 - 5 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2017 - 6

MUNICIPAL ORDER APPROVING THE PROMOTION OF MICHAEL B. MITCHUM TO THE POSITION OF PARKS/GOLF MAINTENANCE SUPERINTENDENT IN THE PARKS AND RECREATION DEPARTMENT

Summary of Municipal Order No. 2017 - 6 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 recounted this position was a combination of two previous positions and the first incumbent had recently retired. Parks and Recreation Director Brent Belcher expressed appreciation to Tony Whitmer for his services in establishing the combined position. He reviewed the hiring process undertaken to find a suitable replacement and recommended the promotion. With Mr. Mitchum's transfer to Parks and Recreation from the Public Works Department, DeFebbo noted a plan to accommodate the transition with the Smallhouse Road project management will be addressed at the next Board meeting. Once the discussion ended, a roll call vote was taken.

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

Municipal Order No. 2017 - 6 was approved by unanimous vote.

Municipal Order No. 2017 - 7 was previously considered at the beginning of the meeting.

MUNICIPAL ORDER NO. 2017 - 8

**MUNICIPAL ORDER APPROVING THE PROBATIONARY
APPOINTMENT OF KORY N. JOHNSON TO THE POSITION OF
LABORER II IN THE PUBLIC WORKS DEPARTMENT**

Summary of Municipal Order No. 2017 - 8 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 appointment. Mayor Wilkerson asked for additional discussion, and with none, a roll call vote was taken.

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

Municipal Order No. 2017 - 8 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2017 - 9

**MUNICIPAL ORDER AUTHORIZING ANNUAL SOFTWARE
MAINTENANCE SERVICES FROM MS GOVERN OF CHICAGO,
ILLINOIS IN THE AMOUNT OF \$33,440**

Summary of Municipal Order No. 2017 - 9 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 annual maintenance agreement. Mayor Wilkerson asked for additional discussion, and with none, a roll call vote was taken.

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

Municipal Order No. 2017 - 9 was approved by unanimous vote.

ORDINANCE NO. BG2017 - 1

(First Reading)

ORDINANCE REZONING REAL ESTATE

ORDINANCE REZONING A TRACT OF LAND CONTAINING 1.902 ACRES FROM HB (HIGHWAY BUSINESS) TO RM-4 (MULTI-FAMILY RESIDENTIAL) LOCATED AT THE CORNER OF PORTER PIKE AND PARKER AVENUE, PRESENTLY OWNED BY SCOTTSVILLE ROAD PARTNERS, LLC

Title and summary of Ordinance No. BG2017 - 1 was read by the Assistant City Manager/City Clerk. Motion was made by Denning and seconded by Williams for first reading of said Ordinance. City-County Planning Commission Director Ben Peterson responded to questions regarding the number of permissible residential units, the potential realignment of Parker Avenue and its impact on the final development design. Public Works Director Greg Meredith explained the realignment proposal by the developer and indicated the Hennessy Way/KY 446 access project from a couple years ago already alleviated some of the traffic demand at the corner of Parker Avenue and Porter Pike. Commissioner Nash stated he thought the realignment was a good idea. DeFebbo confirmed staff was evaluating the proposal.

Mr. Peterson also responded to questions about an amendment to the Future Land Use Map (FLUM) as part of this rezoning request and explained the nature of the amendment which takes into consideration a number of elements. Commissioner Nash requested a concise explanation be placed on the record during the meeting whenever the FLUM is amended in the future. Mr. Peterson agreed. Following further clarification about the potential realignment of Parker Avenue, a roll call vote was taken.

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

First reading of Ordinance No. BG2017 - 1 was approved by unanimous vote.

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

ORDINANCE REZONING TRACTS OF LAND CONTAINING 30.93 ACRES FROM HB (HIGHWAY BUSINESS), RS-1A (SINGLE FAMILY RESIDENTIAL), OP-C (OFFICE/PROFESSIONAL - COMMERCIAL) AND F (FLOODPLAIN) TO RM-4 (MULTI-FAMILY RESIDENTIAL), HB (HIGHWAY BUSINESS) AND F (FLOODPLAIN) LOCATED ALONG OLD SCOTTSVILLE ROAD AND CUMBERLAND TRACE ROAD, PRESENTLY OWNED BY SH MANAGEMENT, LLC C/O DEAN MONTGOMERY

Title and summary of Ordinance No. BG2017 - 2 was read by the Assistant City Manager/City Clerk. Motion was made by Parrigin and seconded by Williams for first reading of said Ordinance. City-County Planning Commission Director Ben Peterson responded to questions about the current demand for residential housing, both multi-family and single family. He confirmed the Future Land Use Map (FLUM) was not amended for this zone change.

In addition, Mr. Peterson explained the process for a traffic impact study and the inclusion of a binding element to address the outcome of the study. Commissioner Nash expressed concern about the increase in traffic brought by this development and the situation being more exacerbated by only

having one entrance and exit point proposed for Cumberland Trace. Mr. Peterson confirmed there was strong opposition voiced for access at Old Scottsville Road. He further confirmed the traffic study may address this issue and the State could also require more improvements be made to Cumberland Trace and Old Scottsville Road (both State maintained rights-of-way) as part of this development. Once the discussion ended, a roll call vote was taken.

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

First reading of Ordinance No. BG2017 - 2 was approved by majority vote. Commissioner Nash stated he was not prepared to cast a vote on this item and chose to defer until second reading. City Attorney Gene Harmon confirmed the first reading vote on an ordinance did not count and was not required by statute or local ordinance. However, he relayed it has been the practice of the Board of Commissioners to cast a vote at first reading. Mayor Wilkerson suggested adding the discussion topic of whether or not the Board should continue to vote at first readings on the special work session agenda (annual Strategic Goal Planning Session) scheduled for later this month.

CLOSED SESSION

Following a brief recess to clear the Commission Chamber, the Board of Commissioners met at approximately 5:30 p.m. in closed session pursuant to KRS 61.810 (1) (c) as previously approved. DeFebbo stated no action was planned to follow the discussion.

ADJOURNMENT

Once all discussion concluded in closed session and there being no further business to come before the Board of Commissioners, at approximately 6:15 p.m., Mayor Wilkerson declared this meeting adjourned.

ADOPTED: January 17, 2017

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