

**MINUTES of REGULAR MEETING
of the BOARD of COMMISSIONERS
of the CITY of BOWLING GREEN, KENTUCKY
held JULY 18, 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 July 18, 2017. Mayor Bruce Wilkerson called the meeting to order and provided an 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 and Mayor Bruce Wilkerson. Absent: Commissioner Joe W. Denning. There was a quorum of the Board of Commissioners.

AWARDS & RECOGNITIONS

City Manager Kevin DeFebbo announced the City of Bowling Green was ranked second by the Environmental Protection Agency (EPA) among small cities of America for 2017 for having the most Energy Star certified buildings in the previous year. He thanked the Public Works Department and Building Maintenance Mechanic Anthony Armer for achieving this recognition.

PRESENTATION OF RESULTS FROM POLICE ADMINISTRATIVE REVIEW

At the request of the City Manager, Deputy Police Chief Kevin Wiles provided a summary of the findings and recommendations made following an administrative review conducted regarding an incorrectly identified search warrant executed at a home on Red Pond Road on July 11, 2016 where the homeowners were not part of the criminal investigation being conducted. The recommendations add additional steps and requirements for review and approval prior to the execution of a search warrant for a home, building or other dwelling to prevent similar occurrences in the future. Deputy Chief Wiles responded to questions from the Board to clarify the recommendations.

Commissioner Williams noted this was the most thorough report he had ever seen and appreciated the work put into it. Mayor Wilkerson also expressed his appreciation for the time and effort put into the review. He stated although he does not want to disparage those who work very hard to keep this community safe, we want the public to know we listen and want to make every effort to correct any mistakes that are made. On behalf of the City of Bowling Green, Mayor Wilkerson extended apologies to the Hutchinson family and thanked them for bringing the issues to our attention. He also commented he hoped this type of situation never happens to anyone else and that these recommendations will help with that effort.

CITY MANAGER

City Manager Kevin D. DeFebbo requested a closed session for the purpose of discussion of proposed litigation on behalf of the City. He indicated action may follow following the discussion. 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 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 June 20, 2017

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 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 and Wilkerson
 Voting Nay: None

Motion to approve the minutes of the regular meeting of June 20, 2017 was approved by unanimous vote.

REGULAR AGENDA

ORDINANCE NO. BG2017 - 26

(Second Reading)

ORDINANCE RELATING TO BUDGET AMENDMENT

ORDINANCE APPROVING AMENDMENT NUMBER THREE TO THE CITY OF BOWLING GREEN, KENTUCKY ANNUAL OPERATING BUDGET FOR FISCAL YEAR 2017

Title and summary of Ordinance No. BG2017 - 26 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: Nash, Parrigin, Williams and Wilkerson
 Voting Nay: None

Ordinance No. BG2017 - 26 was adopted by unanimous vote.

ORDINANCE NO. BG2017 - 27

(Second 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 Williams and seconded by Parrigin for second reading of said Ordinance. Mayor Wilkerson recounted this item received a tie vote from the City-County Planning Commission and was forwarded to the Board of Commissioners for final consideration without a recommendation. Commissioner Parrigin commented this proposed rezoning was similar to

one on Cherry Way which was denied by the Planning Commission the same evening, with the only difference being the developer and opposition present at the public hearing. She said it seems to her there is a need to be consistent.

Mr. Utley, the applicant, came forward and responded to questions about property lines and the proposed development. He noted his development was different since he proposed two-bedroom duplexes to address issues with parking and the Cherry Way case had three-bedroom duplexes. City-County Planning Commission Director Ben Peterson confirmed this development proposed two buildings for a total of four units (two duplexes) on the site. Once the discussion ended, a roll call vote was taken.

ROLL CALL: Voting Yea: Williams and Wilkerson

Voting Nay: Nash and Parrigin

Ordinance No. BG2017 - 27 failed for lack of a majority vote.

Since there was a tie vote, City Attorney Gene Harmon suggested adding an ordinance to deny the rezoning which could receive first reading at this meeting and receive a final outcome at the next meeting provided all five Board members are present. Mayor Wilkerson made a motion, seconded by Parrigin, to add Ordinance No. BG2017 - 35 to the agenda. With no discussion, a roll call vote was taken.

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

Voting Nay: None

Motion to add Ordinance No. BG2017 - 35 to the agenda was approved by unanimous vote.

ORDINANCE NO. BG2017 - 35

(First 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 Parrigin and seconded by Nash for first reading of said Ordinance to deny the rezoning based on the following facts and conclusions: 1) the proposed rezoning is not in compliance with the Focus 2030 Comprehensive Plan as demonstrated by the following objectives and action plan: LU-1.1.3, HN-1 and HN-1.3; 2) this proposed rezoning is not compatible with the surrounding area; and 3) the proposed rezoning fails to maintain or improve the existing character, development patterns and urban design of the surrounding area and fails to strengthen the existing neighborhoods and districts. Mayor Wilkerson asked for additional discussion, and with none, a roll call vote was taken.

ROLL CALL: Voting Yea: Nash and Parrigin

Voting Nay: Williams and Wilkerson

First reading of Ordinance No. BG2017 - 35 was accomplished.

MUNICIPAL ORDER NO. 2017 - 122

**MUNICIPAL ORDER APPROVING THE PROBATIONARY
APPOINTMENT OF NICHOLE R. LUI TO THE POSITION OF
HOUSING RECERTIFICATION SPECIALIST IN THE
NEIGHBORHOOD AND COMMUNITY SERVICES DEPARTMENT**

Summary of Municipal Order No. 2017 - 122 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 recommended the appointment to fill a recent vacancy. Mayor Wilkerson asked for additional discussion, and with none, a roll call vote was taken.

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

Municipal Order No. 2017 - 122 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2017 - 123

**MUNICIPAL ORDER APPROVING THE PROBATIONARY
APPOINTMENTS OF MARITZA L. ARNETT, CHRISTEN L.
JOHNSON, BOBBY D. LEE AND JEFFREY B. WOOSLEY TO THE
POSITION OF COMMUNICATIONS DISPATCHER IN THE POLICE
DEPARTMENT**

Summary of Municipal Order No. 2017 - 123 was read by the Assistant City Manager/City Clerk. Motion was made by Parrigin and seconded by Williams for consideration of said Municipal Order. As one of the City's most difficult positions to fill and maintain, DeFebbo recommended the four appointments. Mayor Wilkerson asked for additional discussion, and with none, a roll call vote was taken.

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

Municipal Order No. 2017 - 123 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2017 - 124

**MUNICIPAL ORDER AUTHORIZING RENEWAL OF BID #2016-55
FOR STRUCTURAL FIREFIGHTING TURNOUT GEAR FOR THE
FIRE DEPARTMENT FROM 911 FLEET & FIRE EQUIPMENT OF
FLORENCE, KENTUCKY IN THE AMOUNT OF \$207,200**

Summary of Municipal Order No. 2017 - 124 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 the bid to purchase the annual allotment of 30 sets, plus 50 additional sets to outfit each firefighter with two sets of turnout gear in order to protect against wearing contaminated gear during a shift. Mayor Wilkerson asked for additional discussion, and with none, a roll call vote was taken.

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

Municipal Order No. 2017 - 124 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2017 - 125

MUNICIPAL ORDER AUTHORIZING AND APPROVING A 5-YEAR CONTRACT WITH TARGET SOLUTIONS, INC. OF SAN DIEGO, CALIFORNIA FOR A FIRE TRAINING RECORDS MANAGEMENT SYSTEM FOR THE FIRE DEPARTMENT IN THE TOTAL AMOUNT OF \$44,394.87

Summary of Municipal Order No. 2017 - 125 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 it was critical to conduct regular and seamless training for firefighters. He recommended approval of another five-year contract to continue services already in use. Mayor Wilkerson asked for additional discussion, and with none, a roll call vote was taken.

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

Municipal Order No. 2017 - 125 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2017 - 126

MUNICIPAL ORDER AUTHORIZING AND ACCEPTING BID #2017-70 FOR GOLF/SPORTS TURF SPRAY UNITS FROM KENNEY CORPORATION OF INDIANAPOLIS, INDIANA IN THE AMOUNT OF \$115,664

Summary of Municipal Order No. 2017 - 126 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 recommended the approval to purchase two (2) spray units to provide self-contained environments to protect employees from pesticide spray application. He commented these spray units were recommended by Safety/Risk Manager David Weisbrodt and paid for using money saved in the Workers' Compensation Fund. With no additional discussion, a roll call vote was taken.

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

Municipal Order No. 2017 - 126 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2017 - 127

MUNICIPAL ORDER AUTHORIZING AND ACCEPTING BID #2017-67 FOR PANASONIC SECURITY PROJECT FROM JBK NETWORK CONSULTING, LTD OF BOWLING GREEN, KENTUCKY IN THE AMOUNT OF \$158,176

Summary of Municipal Order No. 2017 - 127 was read by the Assistant City Manager/City Clerk. Motion was made by Williams and seconded by Parrigin for consideration of said Municipal Order. DeFebbo reviewed and recommended the bid award to replace older existing surveillance cameras located at City facilities and add new cameras at selected park locations. Mayor Wilkerson asked for additional discussion, and with none, a roll call vote was taken.

ROLL CALL: Voting Yea: Nash, Parrigin, Williams and Wilkerson
 Voting Nay: None
Municipal Order No. 2017 - 127 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2017 - 128

MUNICIPAL ORDER APPROVING A CONTRACT THROUGH COOPERATIVE PURCHASE WITH RICOH USA, INC. OF HOUSTON, TEXAS UNDER THE KENTUCKY STATE PRICING CONTRACT FOR THE PURCHASE OF RICOH COPIERS, INCLUDING A SERVICE AGREEMENT, IN THE AMOUNT OF \$74,324.86

Summary of Municipal Order No. 2017 - 128 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 specified this was the second year of a two-year plan to replace copiers throughout the City. He recommended the purchase of eleven (11) copiers with a four-year service agreement using the state pricing contract. With no additional discussion, a roll call vote was taken.

ROLL CALL: Voting Yea: Nash, Parrigin, Williams and Wilkerson
 Voting Nay: None
Municipal Order No. 2017 - 128 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2017 - 129

MUNICIPAL ORDER AUTHORIZING AND ACCEPTING NEGOTIATIONS AFTER SEALED BIDDING FOR BID #2017-73 FOR COURT REFINISHING FROM CONRAD FLOORS, INC. OF SMITHS GROVE, KENTUCKY IN THE AMOUNT OF \$42,400

Summary of Municipal Order No. 2017 - 129 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 recommended approval of the contract to refinish gym floors at F.O. Moxley and Kummer Little recreation facilities. Mayor Wilkerson asked for additional discussion, and with none, a roll call vote was taken.

ROLL CALL: Voting Yea: Nash, Parrigin, Williams and Wilkerson
 Voting Nay: None
Municipal Order No. 2017 - 129 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2017 - 130

MUNICIPAL ORDER AUTHORIZING AND ACCEPTING BID #2017-65 FOR NUTWOOD STREET DRAINAGE IMPROVEMENTS FROM SCOTT & RITTER, INC. OF BOWLING GREEN, KENTUCKY IN THE AMOUNT OF \$465,908

Summary of Municipal Order No. 2017 - 130 was read by the Assistant City Manager/City Clerk. Motion was made by Nash and seconded by Parrigin for consideration of said Municipal Order. As one of the City's top priorities, DeFebbo recommended the bid award for this drainage

improvement project. Public Works Director Greg Meredith confirmed this was a larger scale project to address issues in the vicinity of Broadway Avenue to 14th Avenue and include drainage, curb and gutter, sidewalks and street repair. Once the discussion ended, a roll call vote was taken.

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

Municipal Order No. 2017 - 130 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2017 - 131

**MUNICIPAL ORDER AUTHORIZING THE MAYOR TO EXECUTE
A LEASE AGREEMENT WITH BOWLING GREEN
INTERNATIONAL FESTIVAL, INC. TO LEASE CIRCUS SQUARE
PARK AND DESIGNATED STREETS FOR SEPTEMBER 29 AND
30, 2017, AND FURTHER WAIVING THE NORMAL RENTAL
FEES FOR THE RENTAL OF CIRCUS SQUARE PARK FOR THIS
EVENT**

Summary of Municipal Order No. 2017 - 131 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 recommended approval of the lease agreement and waiver of fees for this annual signature celebration. Mayor Wilkerson asked for additional discussion, and with none, a roll call vote was taken.

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

Municipal Order No. 2017 - 131 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2017 - 132

**MUNICIPAL ORDER ADOPTING THE 2016 BARREN RIVER
REGIONAL HAZARD MITIGATION PLAN FOR THE CITY OF
BOWLING GREEN, KENTUCKY**

Summary of Municipal Order No. 2017 - 132 was read by the Assistant City Manager/City Clerk. Motion was made by Parrigin and seconded by Williams for consideration of said Municipal Order. At the request of the City Manager, Neighborhood and Community Services Director Brent Childers explained the need for this regional plan, which considers threats from natural disasters, and its approval in order to receive Federal Emergency Management Agency (FEMA) assistance if needed. Mayor Wilkerson asked for additional discussion, and with none, a roll call vote was taken.

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

Municipal Order No. 2017 - 132 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2017 - 133

**MUNICIPAL ORDER ACCEPTING AND ADOPTING THE 2017
BOWLING GREEN FIRE DEPARTMENT POLICY AND
PROCEDURES MANUAL**

Summary of Municipal Order No. 2017 - 133 was read by the Assistant City Manager/City Clerk. Motion was made by Wilkerson and seconded by Nash for consideration of said Municipal Order. DeFebbo commented the standard operating procedures for both Police and Fire Departments are periodically reviewed and updated to maintain compliance with current standards and regulations. He reported the Fire Department's Manual was last updated in 2004, and he recommended its approval. With no other discussion, a roll call vote was taken.

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

Municipal Order No. 2017 - 133 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2017 - 134

**MUNICIPAL ORDER ACCEPTING AND APPROVING REVISIONS
TO THE COMPUTER PROCEDURES AND ETHICS POLICY**

Summary of Municipal Order No. 2017 - 134 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 indicated these procedures also require periodic review and amendment. Chief Information Officer Lynn Hartley provided a brief overview of the proposed changes which address outdated and new technology and other language changes. With no additional discussion, a roll call vote was taken.

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

Municipal Order No. 2017 - 134 was approved by unanimous vote.

ORDINANCE NO. BG2017 - 28

(First 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 Parrigin and seconded by Williams for first reading of said Ordinance. Mayor Wilkerson reported this item received unanimous approval 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 and Wilkerson
 Voting Nay: None

First reading of Ordinance No. BG2017 - 28 was approved by unanimous vote.

ORDINANCE NO. BG2017 - 29

(First 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 Williams and seconded by Nash for first reading of said Ordinance. Mayor Wilkerson reported this item received unanimous approval 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 and Wilkerson
 Voting Nay: None

First reading of Ordinance No. BG2017 - 29 was approved by unanimous vote.

ORDINANCE NO. BG2017 - 30
(First 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 Parrigin and seconded by Williams for first reading of said Ordinance. Mayor Wilkerson conveyed this item received majority approval with two abstentions and no opposition 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 and Wilkerson
 Voting Nay: None

First reading of Ordinance No. BG2017 - 30 was approved by unanimous vote.

ORDINANCE NO. BG2017 - 31
(First 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 Williams for first reading of said Ordinance. Mayor Wilkerson reported this item received unanimous approval 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 and Wilkerson
 Voting Nay: None

First reading of Ordinance No. BG2017 - 31 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2017 - 135

**MUNICIPAL ORDER APPROVING THE FISCAL YEAR 2018
SIDEWALK PROJECT LOCATIONS, INCLUDING DESIGN AND
SURVEY AND AUTHORIZING THE CITY LAW DEPARTMENT
TO NEGOTIATE THE PURCHASE OF PROPERTIES NECESSARY
FOR THESE PROJECTS, AND FURTHER AUTHORIZING
APPROPRIATE CITY OFFICIALS TO EXECUTE DEEDS,
EASEMENTS AND OTHER DOCUMENTS RELATED TO LAND
PURCHASES NECESSARY FOR THE PROJECTS**

Summary of Municipal Order No. 2017 - 135 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 the locations selected for this year's new sidewalk construction project were presented at a previous meeting. Public Works Director Greg Meredith described the process for project selection which was based on established criteria to rank potential locations. DeFebbo commented there was a good video on the City's government access cable channel which provides details about the Sidewalk Construction Program and site selection process. Commissioner Parrigin expressed appreciation for all the sidewalks around town. When the discussion ended, a roll call vote was taken.

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

Municipal Order No. 2017 - 135 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2017 - 136

**MUNICIPAL ORDER APPROVING CONSTRUCTION AND
ACCEPTING MAINTENANCE OF CORVETTE VIEW
SUBDIVISION**

Summary of Municipal Order No. 2017 - 136 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 it was the City's standing protocol to accept street maintenance for new developments once they pass all inspections. Mayor Wilkerson asked for additional discussion, and with none, a roll call vote was taken.

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

Municipal Order No. 2017 - 136 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2017 - 137

**MUNICIPAL ORDER APPROVING THE DISADVANTAGED
BUSINESS ENTERPRISES (DBE) PLAN FOR THE CITY OF
BOWLING GREEN TRANSIT PROGRAM AND AUTHORIZING ITS**

SUBMISSION TO THE FEDERAL TRANSPORTATION
ADMINISTRATION

Summary of Municipal Order No. 2017 - 137 was read by the Assistant City Manager/City Clerk. Motion was made by Parrigin and seconded by Williams for consideration of said Municipal Order. At the City Manager's request, Grants Coordinator Nick Cook provided an overview of the DBE Plan and requirement to update and adopt every three (3) years. He reported there were no substantial changes made for the FY2018 Plan. With no additional discussion, a roll call vote was taken.

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

Municipal Order No. 2017 - 137 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2017 - 138

MUNICIPAL ORDER AUTHORIZING A SUBRECIPIENT
AGREEMENT BETWEEN THE CITY OF BOWLING GREEN AND
BOWLING GREEN HUMAN RIGHTS COMMISSION FOR YEAR 14
COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG)
PROGRAM FUNDING IN THE AMOUNT OF \$33,000

Summary of Municipal Order No. 2017 - 138 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 remarked it was the City's responsibility to provide fair housing and outreach education programs which was contracted with the Bowling Green Human Rights Commission (HRC). He recommended approval of the agreement to continue to use HRC to provide this service. With no other discussion, a roll call vote was taken.

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

Municipal Order No. 2017 - 138 was approved by unanimous vote.

ORDINANCE NO. BG2017 - 32

(First 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 Parrigin and seconded by Williams for first reading of said Ordinance. DeFebbo noted the City was requested to annex this property by the property owner. Neighborhood and Community Services Director Brent Childers identified the location of the property

and provided an overview of the terms of the incentive agreement, which includes a rebate of up to five (5) years on the City's property taxes. After the discussion, a roll call vote was taken.

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

First reading of Ordinance No. BG2017 - 32 was approved by unanimous vote.

ORDINANCE NO. BG2017 - 33

(First 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 Williams and seconded by Nash for first reading of said Ordinance. As sponsor of this item, Commissioner Nash stated he was approached by the attorney for the property owner's estate to request the annexation. He indicated the owners intend to develop the property and wanted the benefits of being in the city limits as well as receive the rebate of City property taxes with the incentive agreement.

In response to a question by Commissioner Parrigin, City-County Planning Commission Director Ben Peterson confirmed this property was previously before the Planning Commission for a rezoning request, but the proposal was withdrawn following a recommendation to deny at the public hearing. He also noted the applicant re-filed and the case would be heard at an upcoming Planning Commission meeting. Once the discussion ended, a roll call vote was taken.

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

First reading of Ordinance No. BG2017 - 33 was approved by unanimous 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)

Title and summary of Ordinance No. BG2017 - 34 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 a co-sponsor of this ordinance, Commissioner Williams indicated the amendments were an attempt to address complaints about the noise and issues of enforcement. Also a co-sponsor

of the ordinance, Commissioner Nash clarified the type of fireworks proposed to be banned with this amendment to include missile-type rockets, mines, shells, cakes and aerial shell kits. He indicated it was those types of fireworks that rattle the most windows in the densely populated areas of the City. Commissioner Nash remarked approaching these issues based on the type of fireworks allowable versus when they are discharged was one way, not necessary the only way, to help address the problem. He also indicated it was not his or anyone's intent to cut into the level of patriotism or celebration of the Nation's independence.

Ryan Barefoot expressed concern about this ban and its impact on his ability to offer an annual community event in the Delafield area. Jeff Christian, Kirk Young and Amy Burge, each owners or operators of fireworks businesses, spoke against the proposed Ordinance as it impacted the ability to sell the types of fireworks that make the business worthwhile. Mr. Christian pointed out he had a vested interest in Bowling Green with setting up his business and creating new jobs. Mr. Young remarked the issues are not the fireworks, but rather a neighbor problem and people not using the fireworks properly. Ms. Burge mentioned the number of complaints reported seemed to be a low percentage of the population and there will always be people who take the negative side. She suggested education was the key to make sure people knew the rules of when and how to properly use fireworks. Maria DeVilla said she loved fireworks and enjoys them on the 4th of July, but when people do not follow the rules it is hard on those with disabilities. She disagreed with doing away with fireworks and suggested there needs to be a reasonable compromise. Nick Blizzard said the motor-type fireworks used during the holiday in his densely populated neighborhood were more than just a hassle, especially with little enforcement. However, he also does not support the ban. He suggested extra patrols in the area would be beneficial and enforcement was the answer to the problem.

Commissioner Parrigin agreed it was about enforcement. She proposed having the Police Chief prepare a plan to be more proactive to enforce the existing laws and to make a larger effort with education. She indicated the City could earmark the funds necessary, such as the permit fees collected for the sale of fireworks. She also commented this was an issue of respect and there are many disrespectful neighbors who do not follow the rules. She surmised you need to show people there are consequences so they get the message.

Police Chief Doug Hawkins assured the public and the Board that enforcement was just as frustrating to the Police Department. He reported that as a misdemeanor a Police Officer must actually witness a violation before a citation can be issued. He also reported the Police Department has seen a decline in fireworks related service calls since 2012 (the year immediately following the initial adoption of the fireworks ordinance) which peaked at over 500 to 191 for this year between June 15th to July 5th. However, Chief Hawkins also agreed improvements could be made and a new strategy could be developed if other resources were made available. He confirmed the average overtime rate for a Police Officer was about \$60 per hour.

Commissioner Williams remarked he thought it was important to have this discussion and there were good points made on both sides of the issue. He also remarked complaints are what helps to bring the issues forward. He acknowledged he did not know if there was a perfect solution, however what was being done now was not working and there needed to be a level of common sense restored. Commissioner Williams stated it was obvious to him that something needed to be changed in the local ordinance to make it more enforceable, which was why he intended to propose the ban of the larger and louder fireworks. Unfortunately, he was advised by the City Attorney on Monday, July 17th that

this proposed ban on the possession of those fireworks could still not be enforced without actual witness by Police of a violation. Based on this new revelation and setback to his original remedy of the problem, Williams moved to table Ordinance No. BG2017 – 34 until the next regular meeting to give the Board and City Attorney an opportunity to work on a concept and language that will allow us to accomplish the goal of creating a better and more effective method of enforcement related to the misuse of fireworks in our community. The motion to table was seconded by Nash. With no further discussion on a motion to table, a roll call vote was taken.

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

Motion to table Ordinance No. BG2017 - 34 until the next regular Board of Commissioners meeting was approved by unanimous vote.

DISCUSSION OF THE DOWNTOWN SQUARE IMPROVEMENTS PROJECT PROPOSAL FOR ARCHITECT AND ENGINEERING DESIGN SERVICES

DeFebbo reported there was a multi-phase approach to improvements in the downtown area, with the first of which underway at Fountain Square Park. He said the second phase envisioned improvements to the generalized downtown area. He recounted this was discussed with the Board at a special work session/retreat in January as well as the need to hire a professional firm to assist with this process. Neighborhood and Community Services Director Brent Childers mentioned a staff committee started looking at the downtown area a couple years ago to develop a wayfinding system which was handed off to the Bowling Green Area Convention and Visitors Bureau for implementation as part of an overall City/County wayfinding system. He stated the staff committee also noted a lot of opportunities to make improvements in the downtown and recognized the need to find a partner to help develop long-term solutions for generational change which included public participation in the process. Mr. Childers described the proposed project area, located between Center Street to Chestnut Street and 10th Avenue to 7th Avenue, and the ability to address pedestrian safety, bring cohesion between past investments, improve deteriorating public infrastructure, and provide a more inviting connection between Fountain Square and Circus Square parks. He provided an overview of the request for qualifications (RFQ) process undertaken to find the right partner for this project and the plan to seek contract approval for Vaughn & Melton Consulting Engineers, Inc. at the next meeting. Mr. Childers introduced James Ballinger, Vaughn & Melton Project Manager, who introduced his team and provided some background information about their services and experience. Mr. Childers responded to questions about the proposed timeline for plan development, public engagement process and implantation. DeFebbo and Ms. Schaller-Ward confirmed funds have already been saved and set aside specifically for the downtown square improvements project.

PUBLIC COMMENTS

Following the conclusion of the regular agenda, Mayor Wilkerson opened the floor for public comments about items not included on the agenda. Leah Ashwill urged the Board to open the dialogue for a fairness ordinance and to take on the responsibility to do what was right and just for the LGBTQ community. Ms. Ashwill indicated she was there not only for herself but as the Director of the WKU Center for Citizenship and Social Justice and they would no longer invite the Mayor to their events because they were offended by his political position. Joe Gerard said he was reacting to an emergency as City administrators were cutting down trees in the downtown and spreading lies. He asked for a moratorium and to allow this discussion to continue later. Jennifer Morlan specified the City needed to hire more Police Officers, support small business development and pass a fairness

ordinance. Alisha Carmichael encouraged the Board to retain all parts of Reservoir Hill Park to preserve its history, green space and vista. She said she hoped the triangular portion at the base of the hill on the other side of Cherry Drive would be designated in perpetuity as a portion of the Park.

CLOSED SESSION

Following a brief recess to clear the Commission Chamber, the Board of Commissioners met at approximately 7:00 p.m. in closed session pursuant to KRS 61.810 (1) (c) as previously approved. DeFebbo confirmed there may be action taken following the discussion.

RECONVENE IN OPEN SESSION

Once all discussion concluded in closed session, the Board of Commissioners reconvened in open session at approximately 7:40 p.m. to consider action. Motion was made by Wilkerson and seconded by Parrigin to add Municipal Order No. 2017 - 139 to the agenda for consideration at this time. With no discussion, a roll call vote was taken.

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

Motion to add Municipal Order No. 2017 - 139 to the agenda was approved by unanimous vote.

MUNICIPAL ORDER NO. 2017 - 139

MUNICIPAL ORDER APPROVING THE RETENTION OF KEATING MUETHING & KLEKAMP PLL TO INVESTIGATE AND TO FILE CIVIL ACTIONS, IF APPROPRIATE, RELATED TO THE BLOCK 6 WRAP IN THE WKU GATEWAY TO DOWNTOWN BOWLING GREEN DEVELOPMENT AREA, APPROVING AND AUTHORIZING THE EXECUTION OF THE ENGAGEMENT LETTER RELATED TO THIS TRANSACTION AND APPROVING THE WAIVER OF THE MAXIMUM OUTSIDE LEGAL COUNSEL FEES AS ESTABLISHED BY THE CITY CODE OF ORDINANCES

Summary of Municipal Order No. 2017 - 139 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 asked for additional discussion, and with none, a roll call vote was taken.

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

Municipal Order No. 2017 - 139 was approved by unanimous vote.

ADJOURNMENT

There being no further business to come before the Board of Commissioners, at approximately 7:41 p.m., Mayor Wilkerson declared this meeting adjourned.

ADOPTED: August 1, 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