

**MINUTES of REGULAR MEETING
of the BOARD of COMMISSIONERS
of the CITY of BOWLING GREEN, KENTUCKY
held NOVEMBER 19, 2019**

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 November 19, 2019. Mayor Bruce Wilkerson called the meeting to order. An invocation was given by Reverend Chris Page and all present recited the Pledge of Allegiance. Assistant City Clerk Hope Spiller called the roll, and the following members were present: Commissioner Joe W. Denning, Commissioner Sue Parrigin, Commissioner Dana Beasley-Brown and Mayor Bruce Wilkerson. Absent: Commissioner Brian "Slim" Nash. There was a quorum of the Board of Commissioners.

AWARDS AND RECOGNITIONS

Operation P.R.I.D.E. Executive Director Angie Alexieff presented a Commercial P.R.I.D.E. Award to JD Haase for improvements made to the property at 911 College Street.

Kentucky League of Cities Deputy Executive Director J.D. Chaney and Director of Governmental Affairs Bryanna Carroll presented Representative Mike Wilson with the 2019 Friend of Kentucky Cities Award.

CITY MANAGER

City Manager Jeffery B. Meisel requested a closed session for the purpose of discussions of proposed litigation on behalf of the City. Motion was made by Parrigin and seconded by Beasley-Brown 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, Parrigin, Beasley-Brown 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 November 5, 2019.

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

Motion to approve the minutes of the regular meeting of November 5, 2019 was approved by unanimous vote.

REGULAR AGENDA

MUNICIPAL ORDER NO. 2019 – 197

MUNICIPAL ORDER APPROVING THE PROBATIONARY APPOINTMENT OF STANLEY PORTER TO THE POSITION OF TRADES WORKER – SENIOR IN THE PARKS AND RECREATION DEPARTMENT

Summary of Municipal Order No. 2019 – 197 was read by the Assistant City Clerk. Motion was made by Parrigin and seconded by Beasley-Brown for consideration of said Municipal Order. Human Resources Director Erin Hulsey 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, Parrigin, Beasley-Brown and Wilkerson
Voting Nay: None

Municipal Order No. 2019 – 197 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2019 – 198

MUNICIPAL ORDER APPROVING THE REAPPOINTMENTS OF DAVID SOWDERS, STEVE SPEAKMAN AND BRUCE WILKERSON AND APPOINTMENT OF ERIC GILL TO THE CONTRACTORS LICENSING BOARD

Summary of Municipal Order No. 2019 – 198 was read by the Assistant City Clerk. Motion was made by Parrigin and seconded by Denning for consideration of said Municipal Order. Mayor Wilkerson reviewed and recommended the reappointments and appointment to the Contractors Licensing Board. He asked for additional discussion, and with none, a roll call vote was taken.

ROLL CALL: Voting Yea: Denning, Parrigin, Beasley-Brown and Wilkerson
Voting Nay: None

Municipal Order No. 2019 – 198 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2019 – 199

MUNICIPAL ORDER APPROVING THE APPOINTMENT OF CLARA VERST TO THE BOWLING GREEN COMMUNITY TREE ADVISORY BOARD

Summary of Municipal Order No. 2019 – 199 was read by the Assistant City Clerk. Motion was made by Parrigin and seconded by Beasley-Brown for consideration of said Municipal Order. Mayor Wilkerson reviewed and recommended the appointment to the Tree Advisory Board. He asked for additional discussion, and with none, a roll call vote was taken.

ROLL CALL: Voting Yea: Denning, Parrigin, Beasley-Brown and Wilkerson
Voting Nay: None

Municipal Order No. 2019 – 199 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2019 - 200

MUNICIPAL ORDER APPROVING THE REAPPOINTMENTS OF JOANNA FUTRELL AND BARRY PRUITT AND APPOINTMENT OF JEFFREY STEIN TO THE CITY OF BOWLING GREEN BOARD OF ETHICS

Summary of Municipal Order No. 2019 - 200 was read by the Assistant City Clerk. Motion was made by Parrigin and seconded by Denning for consideration of said Municipal Order. Mayor Wilkerson reviewed and recommended the reappointments and appointment to the Board of Ethics. He asked for additional discussion, and with none, a roll call vote was taken.

ROLL CALL: Voting Yea: Denning, Parrigin, Beasley-Brown and Wilkerson
 Voting Nay: None

Municipal Order No. 2019 - 200 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2019 - 201

MUNICIPAL ORDER AUTHORIZING AND ACCEPTING BID #2020-28 FOR THE SOUTHWEST PARKWAY CONNECTOR FROM SCOTTY'S CONTRACTING AND STONE, LLC OF BOWLING GREEN, KENTUCKY IN AN AMOUNT NOT TO EXCEED \$3,800,000

Summary of Municipal Order No. 2019 - 201 was read by the Assistant City Clerk. Motion was made by Parrigin and seconded by Beasley-Brown for consideration of said Municipal Order. Meisel reviewed and recommended approval to the bid for the construction of the Southwest Parkway connector. Mayor Wilkerson asked for additional discussion, and with none, a roll call vote was taken.

ROLL CALL: Voting Yea: Denning, Parrigin, Beasley-Brown and Wilkerson
 Voting Nay: None

Municipal Order No. 2019 - 201 was approved by unanimous vote.

ORDINANCE NO. BG2019 - 51

(First Reading)

ORDINANCE RELATING TO CLASSIFICATION/PAY SCHEDULE

ORDINANCE AMENDING THE CLASSIFICATION/PAY SCHEDULE "G" FOR GENERAL CLASSIFIED EMPLOYEES OF THE CITY OF BOWLING GREEN FOR FISCAL YEAR 2020

Title and summary of Ordinance No. BG2019 - 51 was read by the Assistant City Clerk. Motion was made by Parrigin and seconded by Beasley-Brown for first reading of said Ordinance. Meisel reviewed the previous promotions in the Environmental Compliance Division and stated the amendment to the pay schedule was due to changes in job responsibilities, as well as a title change to Environmental Compliance Inspector. Mayor Wilkerson asked for additional discussion, and with none, a roll call vote was taken.

ROLL CALL: Voting Yea: Denning, Parrigin, Beasley-Brown and Wilkerson
Voting Nay: None
First reading of Ordinance No. BG2019 - 51 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2019 - 202

MUNICIPAL ORDER AUTHORIZING AND APPROVING
AMENDMENTS TO VERSION 10 OF THE 2020 EDITION OF THE
BOWLING GREEN POLICE POLICY AND PROCEDURES
MANUAL

Summary of Municipal Order No. 2019 - 202 was read by the Assistant City Clerk. Motion was made by Denning and seconded by Parrigin for consideration of said Municipal Order. Meisel provided an overview of the additions, changes and deletions of the policy. In response to a question from Commissioner Denning, Deputy Police Chief Penny Bowles confirmed it was prohibited for citizens to carry firearms or other weapons when participating in the ride along program. Mayor Wilkerson asked for additional discussion, and with none, a roll call vote was taken.

ROLL CALL: Voting Yea: Denning, Parrigin, Beasley-Brown and Wilkerson
Voting Nay: None
Municipal Order No. 2019 - 202 was approved by unanimous vote.

ORDINANCE NO. BG2019 - 47

(Second Reading)

ORDINANCE REZONING REAL ESTATE

ORDINANCE REZONING TRACTS OF LAND CONTAINING
1.1140 ACRE FROM RM-2 (TWO-FAMILY RESIDENTIAL) TO GB
(GENERAL BUSINESS) LOCATED AT 0, 1024, 1028 AND 1032
KENTON STREET AND 1023, 1027, 1031 AND 1033 GREENWOOD
ALLEY, PRESENTLY OWNED BY CSR BG INVESTMENTS, LLC
C/O CHRIS ROBERTSON

Title and summary of Ordinance No. BG2019 - 47 was read by the Assistant City Clerk. Motion was made by Parrigin and seconded by Wilkerson for second reading of said Ordinance. Commissioner Denning stated after further review of the Planning Commission minutes and noting for the record his daughter testified at the hearing, he believed it raised a conflict of interest for him and he would be abstaining from any further participation and voting on the rezoning. Commissioner Beasley-Brown stated she believed there were many individuals who were present for the agenda item and were concerned about the rezoning and asked for clarification from City Attorney Gene Harmon on procedures for holding a new hearing. Mr. Harmon stated there were three (3) ways the Board of Commissioners could handle rezonings. The most common way was consideration based on record, including no new testimony from those who were not present at the Planning Commission hearing. A second way was to table the second reading and advertise for a new argument-type hearing where both parties were represented by attorneys. Lastly, the City had the option to hold its own hearing by tabling the item and would be required to notify and advertise the hearing, however, in this particular rezoning, time was an issue and would likely outlast the 90 days the Board of Commissioners had to act on the item.

Commissioner Beasley-Brown made a motion to table the item to hold a new public hearing due to the historic significance of the neighborhood. The motion died for lack of a second.

Mayor Wilkerson reiterated the purpose of this vote was to vote on the record that was presented by the Planning Commission and further explained the process of approving recommendations made by the Planning Commission. He then opened the floor to those who spoke at the Planning Commission hearing. Deborah Anthony and Kita Clement spoke in opposition of the proposed rezoning and on the historic significance of the neighborhood. Commissioner Beasley-Brown stated that she felt there were other areas in the City that would be appropriate for this type of business. She explained she would be voting no on the rezoning based on the testimony and documents presented at the public hearing, and it was her opinion the proposed rezoning was not consistent with the adopted Focus 2030 Comprehensive Plan as demonstrated by its noncompliance with the objectives and action items presented in the staff report as follows: the proposal was not compatible with the area and did not comply with LU-1.1.3; the proposal did not protect the nearby neighborhoods and therefore did not comply with LU-2.5; the proposal did not comply with LU-2.5.2 and HN-1.2 because the proposed infill development was not compatible with the surrounding area; the proposal did not comply with NCR-2.5 or NCR-2.5.3, as the applicant was proposing to demolish the historic homes located on the properties; the proposal did not comply with HN-1 and HN-1.3 because the proposal was not a suitable infill project nor would it maintain or improve the existing character and pattern of development within the area nor strengthen the nearby neighborhoods, and the proposal did not comply with HN-2.3, as the applicant planned to demolish the existing historic homes and was not building housing for low to moderate income families. Once discussion ended, Mayor Wilkerson asked for additional discussion, and with none, a roll call vote was taken.

ROLL CALL: Voting Yea: Parrigin and Wilkerson
 Voting Nay: Beasley-Brown
 Abstain: Denning

Ordinance No. BG2019 - 47 adopted by majority vote.

ORDINANCE NO. BG2019 - 48

(Second Reading)

ORDINANCE REZONING REAL ESTATE

**ORDINANCE REZONING TWO TRACTS OF LAND CONTAINING
0.35 ACRE FROM RM-3 (TOWNHOUSE/MULTI-FAMILY
RESIDENTIAL) TO RM-4 (MULTI-FAMILY RESIDENTIAL)
LOCATED AT 0 AND 1640 CURD DRIVE, PRESENTLY OWNED
BY FRITZ REAL ESTATE HOLDINGS, LLC**

Title and summary of Ordinance No. BG2019 - 48 was read by the Assistant City Clerk. Motion was made by Parrigin and seconded by Wilkerson for second reading of said Ordinance. Mayor Wilkerson asked for additional discussion, and with none, a roll call vote was taken.

ROLL CALL: Voting Yea: Denning, Parrigin and Wilkerson
 Voting Nay: Beasley-Brown

Ordinance No. BG2019 - 48 was adopted by majority vote.

ORDINANCE NO. BG2019 - 49

(Second Reading)

ORDINANCE REZONING REAL ESTATE.

ORDINANCE REZONING TRACTS OF LAND CONTAINING 11.24 ACRES FROM HB (HIGHWAY BUSINESS) AND F (FLOODPLAIN) TO RM-4 (MULTI-FAMILY RESIDENTIAL) AND F (FLOODPLAIN) LOCATED AT 0 CAVE MILL STATION BOULEVARD, PRESENTLY OWNED BY CAVE MILL STATION, LLC WITH CAVE MILL II, LLC AS CONTRACT VENDEE

Title and summary of Ordinance No. BG2019 – 49 was read by the Assistant City Clerk. Motion was made by Parrigin and seconded by Denning for second reading of said Ordinance. Mayor Wilkerson asked for additional discussion, and with none, a roll call vote was taken.

ROLL CALL: Voting Yea: Denning, Parrigin, Beasley-Brown and Wilkerson
 Voting Nay: None

Ordinance No. BG2019 - 49 was adopted by unanimous vote.

ORDINANCE NO. BG2019 – 50
(Second Reading)

ORDINANCE AMENDING CODE OF ORDINANCES

ORDINANCE AMENDING CHAPTER 15 (BUSINESS AND GENERAL REGULATIONS) OF THE CITY OF BOWLING GREEN CODE OF ORDINANCES TO ADD SUBCHAPTER 15-8 (REGULATION OF MOBILE FOOD VENDORS AND PUSHCARTS ON PUBLIC RIGHTS-OF-WAY) AND CHAPTER 27 (PROPERTY CODE), SUBCHAPTER 27-8 (PENALTIES) RELATED TO MOBILE FOOD UNITS AND PUSHCARTS

Title and summary of Ordinance No. BG2019 – 50 was read by the Assistant City Clerk. Motion was made by Parrigin and seconded by Beasley-Brown for second reading of said Ordinance. Mayor Wilkerson asked for additional discussion, and with none, a roll call vote was taken.

ROLL CALL: Voting Yea: Denning, Parrigin, Beasley-Brown and Wilkerson
 Voting Nay: None

Ordinance No. BG2019 – 50 was adopted by unanimous vote.

PUBLIC COMMENTS

Following the regular agenda, Mayor Wilkerson opened the floor for any public comments about items not included on the agenda. Akisha Townsend Eaton and Laura Harper Knight spoke on the rezoning processes of the Planning Commission and the availability of public input. Carlos Bailey asked for clarification on the rezoning process for a rezoning when there is historical significance involved. Commissioner Denning explained the differences between the authority of the Board of Commissioners and the Planning Commission in regard to rezoning recommendations, and stated the City did not play a role in designating homes as historic. Mayor Wilkerson added the Historic Preservation Board was responsible for reviewing and approving any properties with historic significance.

CLOSED SESSION

Following a brief recess to clear the Commission Chamber, the Board of Commissioners met at approximately 5:50 p.m. in closed session pursuant to KRS 61.810 (1) (c) as previously approved.

ADJOURNMENT

There being no further business to come before the Board of Commissioners, at approximately 6:25 p.m., Mayor Wilkerson declared this meeting adjourned.

ADOPTED: December 3, 2019

APPROVED: Bruce Wilkerson
Mayor, Chairman of Board of Commissioners

ATTEST: Ashley Jackson
City Clerk

Minutes prepared by Assistant City Clerk Hope Spiller