

**MINUTES of REGULAR MEETING
of the BOARD of COMMISSIONERS
of the CITY of BOWLING GREEN, KENTUCKY
held AUGUST 2, 2011**

The Board of Commissioners of the City of Bowling Green, Kentucky met in regular session in the Commission Chamber of City Hall, Bowling Green, Kentucky at 7:00 p.m. on August 2, 2011. Mayor Joe W. Denning called the meeting to order. An invocation was given by Rev. Carlton Hatcher of Cumberland Presbyterian Church, and all present recited the Pledge of Allegiance. Assistant City Manager/City Clerk Katie Schaller called the roll, and the following members were present: Commissioner Bill Waltrip, Commissioner Bruce Wilkerson, Commissioner Melinda M. Hill, Commissioner Brian "Slim" Nash and Mayor Joe W. Denning. Absent: none. There was a full quorum of the Board of Commissioners.

PUBLIC HEARING

Neighborhood and Community Services Director Brent Childers conducted a public hearing for the purpose of reviewing and receiving comments on proposed amendments to the Annual Action Plan for Year 5 (Fiscal Year 2009) of the Community Development Block Grant (CDBG) Entitlement Program. He reported that \$250,000 was originally allocated to The Housing Fund for two programs, affordable housing loan pool (\$200,000) and down-payment assistance (\$50,000). Since The Housing Fund closed its local office in November 2010 after only having spent \$24,100 for the down-payment assistance program, Mr. Childers proposed to reallocate the remaining balance of funds in the total amount of \$225,900 for public facilities improvements at the Parker-Bennett Community Center and Pedigo Park, with both parks primarily serving residents from Census Tracts 101, 102 and 103. He described the specific projects, including playground equipment, multi-use court improvements, community center improvements and a picnic shelter for Parker-Bennett, and baseball field improvements at Pedigo. Mr. Childers noted that his office would be accepting comments about the proposed amendments through August 24, 2011. He also responded to a question about the baseball field project and addressing the needs of the Bowling Green West Little League.

AWARDS & RECOGNITIONS

Mayor Denning welcomed City of Franklin, Kentucky City Manager Kenton Powell and City Clerk Kathy Stradtner who were in attendance. He also welcomed a Boy Scout from Troop 202 who was in attendance working on his communications' merit badge.

CITY MANAGER

City Manager Kevin D. DeFebbo requested a closed session for the purpose of discussion about pending and proposed litigation against the City, and for discussion which might lead to the discipline or dismissal of individual employees without restricting the employees' right to a public hearing if requested. Motion was made by Waltrip and seconded by Nash to convene in closed session following the regular meeting pursuant to KRS 61.810 (1) (c) and (f). Denning called for roll call vote.

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

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

RETIREMENTS

Mayor Denning gave special recognition and best wishes to several recent retirees, including Assistant Fire Chief Dan Brown with 24 years of service; Property Custodian Naomi Matthews with 27 years of service; Assistant Fire Chief Keith Mefford with 23 years of service; Custodian Patricia Poteet with 15 years of service; and Master Police Officer Gordon Turner with 8 years of service with the City.

ADD LATE FILE TO AGENDA

Commissioner Nash made a motion, seconded by Waltrip, to add a late filed ordinance at the end of the agenda regarding an amendment to the use of fireworks, which was discussed at the earlier work session. Denning called for roll call vote.

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

Motion to add Ordinance No. BG2011 – 36 for consideration at the end of the regular agenda was approved by unanimous vote.

APPROVAL OF MINUTES

Minutes of Regular Meeting July 19, 2011

Minutes of the above-referenced meeting were distributed to the Board of Commissioners with the Agenda for their review. Motion was made by Wilkerson and seconded by Waltrip to approve said minutes as written. Mayor Denning asked for discussion, and with none, a roll call vote was taken.

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

Motion to approve the minutes of the regular meeting of July 19, 2011 was approved by unanimous vote.

PUBLIC COMMENTS

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

REGULAR AGENDA

ORDINANCE NO. BG2011 – 33

(Second Reading As Amended)

ORDINANCE AMENDING ZONING ORDINANCE

ORDINANCE AMENDING ARTICLES 4, 5 AND 8 OF THE ZONING ORDINANCE FOR THE CITY OF BOWLING GREEN, KENTUCKY AS RECOMMENDED BY THE CITY-COUNTY PLANNING COMMISSION

Title and summary of Ordinance No. BG2011 - 33 was read by the Assistant City Manager/City Clerk. Motion was made by Wilkerson and seconded by Hill for second reading of said Ordinance. City-County Planning Commission Planner Jonathan Britt responded to several questions from Comm. Nash regarding the text amendments and how they would be handled among the other governments in Warren County, in particular the specific changes that the Board of Commissioners made to the original recommendation. Since each jurisdiction was required to adopt the amendments either in whole or in

part, Mr. Britt indicated that it was possible to have multiple versions if necessary. Once the discussion ended, a roll call vote was taken.

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

Ordinance No. BG2011 - 33 was adopted by unanimous vote.

As a point of clarification for the guests from the City of Franklin, Mayor Denning mentioned that the Board of Commissioners received agenda packets on the Thursday prior to the meeting which gave them time to study the materials and to ask any questions in advance of the meeting.

ORDINANCE NO. BG2011 – 34

(Second Reading)

ORDINANCE RELATING TO BUDGET AMENDMENT

ORDINANCE APPROVING AMENDMENT NUMBER SEVEN TO
THE CITY OF BOWLING GREEN, KENTUCKY ANNUAL
OPERATING BUDGET FOR FISCAL YEAR 2011

Title and summary of Ordinance No. BG2011 - 34 was read by the Assistant City Manager/City Clerk. Motion was made by Wilkerson and seconded by Nash for second reading of said Ordinance. Mayor Denning asked for discussion, and with none, a roll call vote was taken.

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

Ordinance No. BG2011 - 34 was adopted by unanimous vote.

MUNICIPAL ORDER NO. 2011 – 151

MUNICIPAL ORDER APPROVING THE PROBATIONARY
APPOINTMENT OF DAVID M. HEHNER TO THE POSITION OF
PUBLIC WORKS TECHNICIAN IN THE PUBLIC WORKS
DEPARTMENT

Summary of Municipal Order No. 2011 - 151 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 recounted in February 2010 the City laid off five employees which impacted the departments of Public Works (four employees) and Housing and Community Development (HCD, now Neighborhood and Community Services – one employee). Since that time, he reported that the one employee from HCD was brought back later in the year when another position became vacant.

With the addition of more capital projects, Mr. DeFebbo reported that one of the Public Works positions could now be brought back. However, he clarified that this new position was redefined to fit the current needs of the department. He reviewed Mr. Hehner's qualifications, recommended his reappointment and personally welcomed him back. He also noted that Mr. Hehner would receive credit for previous time served. Comm. Wilkerson pointed out that the lay-offs were due to budgetary reasons and had nothing to do with any of the employees' performance. With no additional discussion, a roll call vote was taken.

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

Municipal Order No. 2011 - 151 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2011 – 152

MUNICIPAL ORDER AUTHORIZING SOFTWARE SUBSCRIPTION SERVICES FROM NEW WORLD SYSTEMS IN THE AMOUNT OF \$86,946 FOR FISCAL YEAR 2012

Summary of Municipal Order No. 2011 - 152 was read by the Assistant City Manager/City Clerk. Motion was made by Nash and seconded by Wilkerson for consideration of said Municipal Order. DeFebbo reviewed and recommended approval of the annual maintenance services. He noted that the increase in cost was related in part to inflation and to some new services that became operational in the past year. Mayor Denning asked for additional discussion, and with none, a roll call vote was taken.

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

Municipal Order No. 2011 - 152 was approved by unanimous vote.

ORDINANCE NO. BG2011 – 35

(First Reading)

ORDINANCE REZONING REAL ESTATE

ORDINANCE REZONING TRACTS OF LAND CONTAINING 5.57 ACRES FROM OP-C (OFFICE AND PROFESSIONAL – COMMERCIAL), HB (HIGHWAY BUSINESS) AND RM-4 (MULTI-FAMILY RESIDENTIAL) TO OP-C (OFFICE AND PROFESSIONAL - COMMERCIAL) LOCATED AT 126, 134, 144, 148 AND 150 CHESTNUT STREET, 610, 622 AND 624 2ND AVENUE EAST, AND 201 PARK STREET, PRESENTLY OWNED BY CLINIC BUILDING BG, LLC, ET AL

Title and summary of Ordinance No. BG2011 - 35 was read by the Assistant City Manager/City Clerk. Motion was made by Wilkerson and seconded by Nash for first reading of said Ordinance. Mayor Denning asked for discussion, and with none, a roll call vote was taken.

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

First reading of Ordinance No. BG2011 - 35 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2011 – 153

MUNICIPAL ORDER APPROVING CONSTRUCTION AND ACCEPTING MAINTENANCE OF VARIOUS STREETS IN OLDE STONE SUBDIVISION, SECTIONS TWO, THREE AND FOUR

Summary of Municipal Order No. 2011 - 153 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 indicated that this approval was part of the normal protocol following completion and inspection of the various streets and structures. Mayor Denning asked for additional discussion, and with none, a roll call vote was taken.

ROLL CALL: Voting Yea: Waltrip, Wilkerson, Hill, Nash and Denning
 Voting Nay: None
Municipal Order No. 2011 - 153 was approved by unanimous vote.

ORDINANCE NO. BG2011 – 36
(First Reading)
ORDINANCE AMENDING CODE OF ORDINANCES

ORDINANCE AMENDING CHAPTER 15 (BUSINESS AND GENERAL REGULATIONS), SUBCHAPTER 15-5 (STORAGE, SALE AND USE OF FIREWORKS) OF THE CITY OF BOWLING GREEN CODE OF ORDINANCES TO LIMIT THE MONTHS DURING WHICH CONSUMER FIREWORKS MAY BE DISCHARGED IN THE CITY

Title and summary of Ordinance No. BG2011 - 36 was read by the Assistant City Manager/City Clerk. Motion was made by Nash and seconded by Waltrip for first reading of said Ordinance. Comm. Nash explained he brought this issue up during the work session in an effort to determine when the public could expect changes to the existing regulations since there has been a significant outcry by citizens. He continued that he thought it was prudent to address the discharge or use of fireworks by suspending the 365-day provision for the next three months (August, September and October) while the Board continues to deliberate about needed revisions. Mayor Denning asked for additional discussion, and with none, a roll call vote was taken.

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

First reading of Ordinance No. BG2011 - 36 was approved by unanimous vote. Following the vote, Comm. Nash stated it would take another reading of the ordinance before it would take effect.

CLOSED SESSION

Following a brief recess to clear the Commission Chamber, the Board of Commissioners met at approximately 7:35 p.m. in closed session pursuant to KRS 61.810 (1) (c) and (f) as previously approved. Mr. DeFebbo confirmed there was no action anticipated to following 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 8:20 p.m., Mayor Denning declared this meeting adjourned.

WORK SESSION

Prior to the regular meeting and with no action taken, the Board of Commissioners convened at 4:00 p.m. in the Commission Chamber of City Hall for a regular work session to discuss the following subjects: 1) a quarterly report of the Warren County Downtown Economic Development Authority (WCDEDA) regarding the activities in the WKU Gateway to Downtown Bowling Green Tax Increment Financing (TIF) District; and 2) a proposal from Greg Gary regarding the private management of Paul Walker Golf Course. At the City Manager's suggestion, the Board of Commissioners provided a consensus to utilize the Board of Park Commissioners (also known as the Parks Advisory Board) for a more in-depth review of Mr. Gary's proposal and to give an advisory opinion following its analysis.

In addition, Comm. Nash inquired where staff was with drafting revisions to the fireworks regulations. Mr. DeFebbo stated that staff would be prepared to present a draft at the next meeting. In light of continued discussions and to provide more time for deliberate debate about possible amendments to the regulations, Comm. Nash proposed having an ordinance added to the agenda at tonight's meeting that would suspend the 365-day language for the use of fireworks in the city. City Attorney Gene Harmon agreed to have something prepared for Comm. Nash's sponsorship that would prohibit the use of fireworks during the months of August, September and October.

ADOPTED: _____

APPROVED: _____
Mayor, Chairman of Board of Commissioners

ATTEST: _____
City Clerk

Minutes prepared by Assistant City Manager/City Clerk Katie Schaller