

**MINUTES of REGULAR MEETING
of the BOARD of COMMISSIONERS
of the CITY of BOWLING GREEN, KENTUCKY
held JULY 5, 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 July 5, 2011. Mayor Joe W. Denning called the meeting to order at 7:10 p.m. An invocation was given by Commissioner Bruce Wilkerson, 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 Melinda M. Hill, Commissioner Brian “Slim” Nash, Commissioner Bill Waltrip, Commissioner Bruce Wilkerson and Mayor Joe W. Denning. Absent: none. There was a full quorum of the Board of Commissioners.

BOARD OF COMMISSIONERS COMMENTS

Mayor Denning stated he hoped everyone had a good and safe 4th of July holiday. He also remarked that he had received several calls about fireworks being discharged in the City and requests from residents for the Board to reconsider the regulations for the use of fireworks.

CITY MANAGER

City Manager Kevin D. DeFebbo withdrew item number 6 (Ordinance No. BG2011-33) from the agenda based on the discussions that took place during the earlier work session.

APPROVAL OF MINUTES

Minutes of Regular Meeting June 21, 2011 and Special Meeting June 27, 2011

Minutes of the above-referenced meetings 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: Hill, Nash, Waltrip, Wilkerson and Denning
 Voting Nay: None

Motion to approve the minutes of the regular meeting of June 21, 2011 and special meeting of June 27, 2011 was approved by unanimous vote.

PUBLIC COMMENTS

Julie Ellis of 651 14th Avenue, Janko Emedi of 1001 Stonewood Court and Larry Fiehn of 840 Yuma Circle each spoke to voice concerns about the fireworks ordinance and requested the Board of Commissioners revisit the issue. With regard to the required 200-foot distance from structures, people and vehicles needed to properly use fireworks, Ms. Ellis surmised that there were very few locations in the City that could fit that distance and she requested that such locations be identified on a map. Ms. Ellis also expressed concern about the lack of enforcement, the hours of use and the affect the noise had on residents. Mr. Emedi stated it was ridiculous to assume that everyone would behave and follow the ordinance. He commented that his young children were frightened by the noise caused by the fireworks and that he did not believe fireworks should be allowed. As a quality of life issue, Mr. Fiehn encouraged the Board to review the type and use of fireworks that were allowed and suggested that the Board shorten the time that fireworks could be used throughout the year. He further suggested that the fireworks ordinance may be in conflict with the City’s noise ordinance.

Mayor Denning thanked the individuals for their comments. He remarked about the level of noise he heard in his neighborhood over the weekend and agreed that it was disturbing. Mayor Denning stated that the Board of Commissioners would review the ordinance and the number of police enforcement calls received to address the various concerns. Comm. Nash requested that the item be included on the agenda for the next meeting. Comm. Waltrip suggested discussion take place at the next 4:00 p.m. work session to allow more public participation. As a compromise, Mr. DeFebbo recommended that the work session be held in conjunction with the next regular meeting which would begin at 7:00 p.m. in the evening and would accommodate Comm. Nash's request to maximize the opportunity to better fit most peoples' work schedules.

MUNICIPAL ORDER NO. 2011 – 142

MUNICIPAL ORDER APPROVING THE CAREER PATH
ADVANCEMENT OF BARRY G. BASHAM TO THE POSITION OF
OPERATIONS TECHNICIAN I IN THE PUBLIC WORKS
DEPARTMENT

Summary of Municipal Order No. 2011 - 142 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 reviewed the approved career path program and recommended the promotion. Mayor Denning asked for additional discussion, and with none, a roll call vote was taken.

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

Municipal Order No. 2011 - 142 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2011 – 143

MUNICIPAL ORDER AUTHORIZING PAYMENT TO THE WARREN
COUNTY PROPERTY VALUATION ADMINISTRATOR (PVA) FOR
FISCAL YEAR 2012

Summary of Municipal Order No. 2011 - 143 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 explained the yearly requirement to authorize payment in the amount of \$50,000 for the PVA's services for the annual property tax assessments. Mayor Denning asked for additional discussion, and with none, a roll call vote was taken.

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

Municipal Order No. 2011 - 143 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2011 – 144

MUNICIPAL ORDER DECLARING PLAYGROUND EQUIPMENT
LOCATED BEHIND THE FORMER LITTLE TREASURES DAYCARE
AT KEREIAKES PARK TO BE SURPLUS PROPERTY AND
APPROVING ITS DONATION TO THE CITY OF WOODBURN

Summary of Municipal Order No. 2011 - 144 was read by the Assistant City Manager/City Clerk. Motion was made by Wilkerson and seconded by Waltrip for consideration of said Municipal Order. DeFebbo indicated that this playground equipment, which was not up to the traditional standards of the Parks and Recreation Department, was left behind when the daycare vacated the property. With the property now under lease, he recommended the donation of the equipment to the City of Woodburn, Kentucky. Mayor Denning remarked that this was a good idea. He asked for additional discussion, and with none, a roll call vote was taken.

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

Municipal Order No. 2011 - 144 was approved by unanimous vote.

MUNICIPAL ORDER NO. 2011 – 145

MUNICIPAL ORDER APPROVING CONSTRUCTION AND
ACCEPTING MAINTENANCE OF VARIOUS STREETS IN
FIELDSTONE FARMS SUBDIVISION, SECTION IV, PHASES I AND
II

Summary of Municipal Order No. 2011 - 145 was read by the Assistant City Manager/City Clerk. Motion was made by Wilkerson and seconded by Nash for consideration of said Municipal Order. As an on-going development protocol, Mr. DeFebbo reviewed the requirement for acceptance of street maintenance by the City. Public Works Director Jeff Lashlee responded to questions from Comm. Nash regarding the installation of sidewalks, adequate drainage structures and use of on-street parking. Mayor Denning asked for additional discussion, and with none, a roll call vote was taken.

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

Municipal Order No. 2011 - 145 was approved by unanimous vote.

RESOLUTION NO. 2011 – 2

RESOLUTION REQUESTING THE UNITED STATES ATTORNEY
GENERAL AND THE UNITED STATES DEPARTMENT OF JUSTICE
MOVE THE FEDERAL TRIALS OF WAAD RAMADAN ALWAN
AND MOHANAD SHAREEF HAMMADI FROM BOWLING GREEN

Summary of Resolution No. 2011 - 2 was read by the Assistant City Manager/City Clerk. Motion was made by Hill and seconded by Wilkerson for consideration of said Resolution. Mayor Denning stated this item pertained to the two individuals who were recently arrested in Bowling Green for alleged terrorist acts. He expressed concern with the trial being held in Bowling Green, including the need for increased security and its impact on the Police Department. In an effort to clarify that the acts of a few should not be generalized, Mayor Denning asserted that the arrest of these two individuals should in no way reflect on the people from other countries who have made Bowling Green their home. He reported that similar incidents and arrests have happened in other parts of the country and Bowling Green would not be any less safe.

Notwithstanding Mayor Denning's comments, Comm. Waltrip indicated that he was initially inclined to support this Resolution. However, after having given the matter further thought, he revealed that he would vote against it. Comm. Waltrip explained that this should be a judicial decision and not a political one. Although, he remarked that he would have no issues with it being moved if that was the

U.S. Attorney General's decision. He also pointed out that he liked the language that requested Bowling Green be reimbursed for any expenses incurred if the trial was held here.

Comm. Nash stated he echoed Comm. Waltrip's sentiments about the issue with one revision. He disclosed that he had not given the issue real consideration because he did not believe it was within the discretion of the City. He disagreed with the City telling the federal government how to do its business since he would also disagree with the federal government interfering in something that was under the local government's purview. He further remarked that he would not be upset if the federal government decided to move the trial, and he agreed that if it was not moved, seeking reimbursement for any costs was beneficial to the City and taxpayers.

Comm. Wilkerson indicated that when he was first elected, he tried to stay out of political issues involving the federal government that did not impact the City. However, he surmised that if the trial was held here, there would be disruption to daily life with several streets being closed in the downtown area around the Federal Courthouse. With New York City's success in convincing the federal government to move a similar trial, he explained that he saw the issue in the same way as asking for another exit off of Interstate 65, which was a specific issue affecting the City.

As sponsor of the item, Comm. Hill indicated she presented the item as a federal taxpayer and as the daughter of a retired Marine who fought for the rights of this country. She stated that she did not think these two individuals should be entitled to the same rights as U.S. citizens and that the burden of a trial should not be placed on the City.

Richard Thomas, who resides four blocks from the Federal Courthouse, expressed his concerns with the intentions of this Resolution. He specified that the Board should essentially revoke its pledge of allegiance stated at the beginning of the meeting if this Resolution was approved. As a pledge to support the U.S. Constitution, Mr. Thomas recited "every person has a right to a fair trial in the jurisdiction where the crime was committed." Although he lives close to the Courthouse, he declared that he was not afraid of having the trial here and he wanted to see how it all played out.

Mayor Denning stated that he had different thoughts when he first came to the meeting tonight. However, after hearing others speak and as a former member of law enforcement, Mayor Denning declared that he had changed his position on the issue.

Professor Paula Quinn of 1437 Park Street also spoke in opposition to the Resolution. She asserted that the people have a right to hear the back story and to get answers to many questions about these two individuals. She surmised that if the trial was moved out of the City and possibly to a military base, the public would not get those answers so readily. She requested that the trial be kept in Bowling Green.

Once all the discussion ended, a roll call vote was taken.

ROLL CALL: Voting Yea: Hill and Wilkerson
 Voting Nay: Nash, Waltrip and Denning
Resolution No. 2011 - 2 failed by majority vote.

ORDINANCE NO. BG2011 – 33
(First Reading)
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

Ordinance No. BG2011 - 33 was previously withdrawn from the agenda.

ADJOURNMENT

There being no further business to come before the Board of Commissioners, at approximately 7:55 p.m., Mayor Denning declared this meeting adjourned.

WORK SESSION

Prior to the regular meeting and with no action taken, the Board of Commissioners, excluding Commissioner Nash, convened at 4:00 p.m. in the Commission Chamber of City Hall for a regular work session to discuss amendments to Articles 4, 5 and 8 of the Zoning Ordinance for the City of Bowling Green regarding sign regulations as recommended by the City-County Planning Commission (Ordinance No. BG2011 – 33).

ADOPTED: _____

APPROVED: _____
Mayor, Chairman of Board of Commissioners

ATTEST: _____
Assistant City Clerk

Minutes prepared by Assistant City Manager/City Clerk Katie Schaller